

Bill No. CS/CS/HB 985, 2nd Eng.

Barcode 612194

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Baker moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(2)

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

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

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor

1 and the Legislature.

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

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

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

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

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

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

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

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

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

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

31 112.061 Per diem and travel expenses of public

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1 officers, employees, and authorized persons.--

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

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

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

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

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

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

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

27 (b) Rates established pursuant to paragraph (a) must
28 apply uniformly to all travel by the county, county
29 constitutional officer and entity governed by that officer,
30 district school board, ~~or~~ special district, or metropolitan
31 planning organization.

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

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

9 120.52 Definitions.--As used in this act:

10 (1) "Agency" means:

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

13 (b) Each:

14 1. State officer and state department, and each
 15 departmental unit described in s. 20.04.

16 2. Authority, including a regional water supply
 17 authority.

18 3. Board.

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

22 5. Regional planning agency.

23 6. Multicounty special district with a majority of its
 24 governing board comprised of nonelected persons.

25 7. Educational units.

26 8. Entity described in chapters 163, 373, 380, and 582
 27 and s. 186.504.

28 (c) Each other unit of government in the state,
 29 including counties and municipalities, to the extent they are
 30 expressly made subject to this act by general or special law
 31 or existing judicial decisions.

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

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

18 349.03 Jacksonville Transportation Authority.--

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

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

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

31 349.04 Purposes and powers.--

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

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

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

24 121.021 Definitions.--The following words and phrases
 25 as used in this chapter have the respective meanings set forth
 26 unless a different meaning is plainly required by the context:

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

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

14 (52) "Regularly established position" is defined as
15 follows:

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

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

24 Section 7. Paragraph (b) of subsection (2) of section
25 121.051, Florida Statutes, is amended to read:

26 121.051 Participation in the system.--

27 (2) OPTIONAL PARTICIPATION.--

28 (b)1. The governing body of any municipality,
29 metropolitan planning organization, or special district in the
30 state may elect to participate in the system upon proper
31 application to the administrator and may cover all or any of

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

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

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1 eligible for coverage under this chapter. After the referendum
2 is held, all future employees shall be compulsory members of
3 the Florida Retirement System.

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

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

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

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

30 b. From 7 to 15 days before such hearing, notice of
31 intent to withdraw, specifying the time and place of the

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1 hearing, must be provided in writing to employees of the
 2 hospital district proposing partial withdrawal and must be
 3 published in a newspaper of general circulation in the area
 4 affected, as provided by ss. 50.011-50.031. Proof of
 5 publication of such notice shall be submitted to the
 6 Department of Management Services.

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

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

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

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

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

8 121.055 Senior Management Service Class.--There is
9 hereby established a separate class of membership within the
10 Florida Retirement System to be known as the "Senior
11 Management Service Class," which shall become effective
12 February 1, 1987.

13 (1)

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

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

21 121.061 Funding.--

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

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1 to the trust funds in accordance with this chapter.

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

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

13 121.081 Past service; prior service;
14 contributions.--Conditions under which past service or prior
15 service may be claimed and credited are:

16 (1)(a) Past service, as defined in s. 121.021(18), may
17 be claimed as creditable service by officers or employees of a
18 city, metropolitan planning organization, or special district
19 that become a covered group under this system. The governing
20 body of a covered group in compliance with s. 121.051(2)(b)
21 may elect to provide benefits with respect to past service
22 earned prior to January 1, 1975, in accordance with this
23 chapter, and the cost for such past service shall be
24 established by applying the following formula: The member
25 contribution for both regular and special risk members shall
26 be 4 percent of the gross annual salary for each year of past
27 service claimed, plus 4-percent employer matching
28 contribution, plus 4 percent interest thereon compounded
29 annually, figured on each year of past service, with interest
30 compounded from date of annual salary earned until July 1,
31 1975, and 6.5 percent interest compounded annually thereafter

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

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

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

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

11 Section 11. Paragraph (e) is added to subsection (15)
 12 of section 163.3180, Florida Statutes, to read:

13 163.3180 Concurrency.--
 14 (15)

15 (e) By December 1, 2007, the Department of
 16 Transportation, in consultation with the state land planning
 17 agency and interested local governments, may designate a study
 18 area for conducting a pilot project to determine the benefits
 19 of and barriers to establishing a regional multimodal
 20 transportation concurrency district that extends over more
 21 than one local government jurisdiction. If designated:

22 1. The study area must be in a county that has a
 23 population of at least 1,000 persons per square mile, be
 24 within an urban service area, and have the consent of the
 25 local governments within the study area. The Department of
 26 Transportation and the state land planning agency shall
 27 provide technical assistance.

28 2. The local governments within the study area and the
 29 Department of Transportation, in consultation with the state
 30 land planning agency, shall cooperatively create a multimodal
 31 transportation plan that meets the requirements of this

1 section. The multimodal transportation plan must include
 2 viable local funding options and incorporate community design
 3 features, including a range of mixed land uses and densities
 4 and intensities, which will reduce the number of automobile
 5 trips or vehicle miles of travel while supporting an
 6 integrated, multimodal transportation system.

7 3. To effectuate the multimodal transportation
 8 concurrency district, participating local governments may
 9 adopt appropriate comprehensive plan amendments.

10 4. The Department of Transportation, in consultation
 11 with the state land planning agency, shall submit a report by
 12 March 1, 2009, to the Governor, the President of the Senate,
 13 and the Speaker of the House of Representatives on the status
 14 of the pilot project. The report must identify any factors
 15 that support or limit the creation and success of a regional
 16 multimodal transportation district including intergovernmental
 17 coordination.

18 Section 12. Section 163.3182, Florida Statutes, is
 19 created to read:

20 163.3182 Transportation concurrency backlogs.--

21 (1) DEFINITIONS.--For purposes of this section, the
 22 term:

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

1 taxing authority or authorities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

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

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

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

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

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

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

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

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

13 (6) EXEMPTIONS.--

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

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

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

24 3. A library district.

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

27 5. A metropolitan transportation authority.

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

30 7. A community redevelopment agency.

31 (b) A transportation concurrency exemption authority

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

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

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

26 Section 13. Subsection (14) is added to section
27 163.3191, Florida Statutes, to read:

28 163.3191 Evaluation and appraisal of comprehensive
29 plan.--

30 (14) The requirement of subsection (10) prohibiting a
31 local government from adopting amendments to the local

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1 comprehensive plan until the evaluation and appraisal report
 2 update amendments have been adopted and transmitted to the
 3 state land planning agency does not apply to a plan amendment
 4 proposed for adoption by the appropriate local government as
 5 defined in s. 163.3178(2)(k) in order to integrate a port
 6 comprehensive master plan with the coastal management element
 7 of the local comprehensive plan as required by s.
 8 163.3178(2)(k) if the port comprehensive master plan or the
 9 proposed plan amendment does not cause or contribute to the
 10 failure of the local government to comply with the
 11 requirements of the evaluation and appraisal report.

12 Section 14. Paragraph (e) of subsection (2) of section
 13 212.055, Florida Statutes, are amended to read:

14 212.055 Discretionary sales surtaxes; legislative
 15 intent; authorization and use of proceeds.--It is the
 16 legislative intent that any authorization for imposition of a
 17 discretionary sales surtax shall be published in the Florida
 18 Statutes as a subsection of this section, irrespective of the
 19 duration of the levy. Each enactment shall specify the types
 20 of counties authorized to levy; the rate or rates which may be
 21 imposed; the maximum length of time the surtax may be imposed,
 22 if any; the procedure which must be followed to secure voter
 23 approval, if required; the purpose for which the proceeds may
 24 be expended; and such other requirements as the Legislature
 25 may provide. Taxable transactions and administrative
 26 procedures shall be as provided in s. 212.054.

27 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

28 (e) School districts, counties, and municipalities
 29 receiving proceeds under the provisions of this subsection may
 30 pledge such proceeds for the purpose of servicing new bond
 31 indebtedness incurred pursuant to law. Local governments may

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1 use the services of the Division of Bond Finance of the State
 2 Board of Administration pursuant to the State Bond Act to
 3 issue any bonds through the provisions of this subsection. ~~In~~
 4 ~~no case may a jurisdiction issue bonds pursuant to this~~
 5 ~~subsection more frequently than once per year.~~ Counties and
 6 municipalities may join together for the issuance of bonds
 7 authorized by this subsection.

8 Section 15. Subsection (1) of section 215.615, Florida
 9 Statutes, is amended to read:

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

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

30 (a) The department and any participating commuter rail
 31 authority or regional transportation authority established

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1 | under chapter 343, local governments, or local governments
 2 | collectively by interlocal agreement having jurisdiction of a
 3 | fixed-guideway transportation system may enter into an
 4 | interlocal agreement to promote the efficient and
 5 | cost-effective financing or refinancing of fixed-guideway
 6 | transportation system projects by revenue bonds issued
 7 | pursuant to this subsection. The terms of such interlocal
 8 | agreements shall include provisions for the Department of
 9 | Transportation to request the issuance of the bonds on behalf
 10 | of the parties; shall provide that after reimbursement
 11 | pursuant to interlocal agreement, the department's share may
 12 | be up to 50 percent of the eligible project cost, which may
 13 | include a share of annual ~~each party to the agreement is~~
 14 | ~~contractually liable for an equal share of funding an amount~~
 15 | ~~equal to the~~ debt service requirements of such bonds; and
 16 | shall include any other terms, provisions, or covenants
 17 | necessary to the making of and full performance under such
 18 | interlocal agreement. Repayments made to the department under
 19 | any interlocal agreement are not pledged to the repayment of
 20 | bonds issued hereunder, and failure of the local governmental
 21 | authority to make such payment shall not affect the obligation
 22 | of the department to pay debt service on the bonds.

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

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

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

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

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

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

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

4 Section 16. Subsection (1) of section 311.22, Florida
5 Statutes, is amended to read:

6 311.22 Additional authorization for funding certain
7 dredging projects.--

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

19 Section 17. Section 316.2123, Florida Statutes, is
20 amended to read:

21 316.2123 Operation of an ATV on certain roadways.--

22 (1) The operation of an ATV, as defined in s.
23 317.0003, upon the public roads or streets of this state is
24 prohibited, except that an ATV may be operated during the
25 daytime on an unpaved roadway where the posted speed limit is
26 less than 35 miles per hour ~~by a licensed driver or by a minor~~
27 ~~under the supervision of a licensed driver. The operator must~~
28 ~~provide proof of ownership pursuant to chapter 317 upon~~
29 ~~request by a law enforcement officer.~~

30 (2) A county is exempt from this section if the
31 governing body of the county, by majority vote, following a

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1 | noticed public hearing, votes to exempt the county from this
 2 | section. Alternatively, a county may, by majority vote after
 3 | such a hearing, designate certain unpaved roadways where an
 4 | ATV may be operated during the daytime as long as each such
 5 | designated roadway has a posted speed limit of less than 35
 6 | miles per hour and is appropriately marked to indicate
 7 | permissible ATV use.

8 | (3) Any ATV operation that is permitted under
 9 | subsection (1) or subsection (2) may be undertaken only by a
 10 | licensed driver or a minor who is under the direct supervision
 11 | of a licensed driver. The operator must provide proof of
 12 | ownership under chapter 317 upon the request of a law
 13 | enforcement officer.

14 | Section 18. Subsection (1) of section 316.605, Florida
 15 | Statutes, is amended to read:

16 | 316.605 Licensing of vehicles.--

17 | (1) Every vehicle, at all times while driven, stopped,
 18 | or parked upon any highways, roads, or streets of this state,
 19 | shall be licensed in the name of the owner thereof in
 20 | accordance with the laws of this state unless such vehicle is
 21 | not required by the laws of this state to be licensed in this
 22 | state and shall, except as otherwise provided in s. 320.0706
 23 | for front-end registration license plates on truck tractors
 24 | and s. 320.086(5) which exempts display of license plates on
 25 | described former military vehicles, display the license plate
 26 | or both of the license plates assigned to it by the state, one
 27 | on the rear and, if two, the other on the front of the
 28 | vehicle, each to be securely fastened to the vehicle outside
 29 | the main body of the vehicle not higher than 60 inches and not
 30 | lower than 12 inches from the ground and no more than 24
 31 | inches to the left or right of the centerline of the vehicle,

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1 and in such manner as to prevent the plates from swinging, and
2 all letters, numerals, printing, writing, and other
3 identification marks upon the plates regarding the word
4 "Florida," the registration decal, and the alphanumeric
5 designation shall be clear and distinct and free from
6 defacement, mutilation, grease, and other obscuring matter, so
7 that they will be plainly visible and legible at all times 100
8 feet from the rear or front. Vehicle license plates shall be
9 affixed and displayed in such a manner that the letters and
10 numerals shall be read from left to right parallel to the
11 ground. No vehicle license plate may be displayed in an
12 inverted or reversed position or in such a manner that the
13 letters and numbers and their proper sequence are not readily
14 identifiable. Nothing shall be placed upon the face of a
15 Florida plate except as permitted by law or by rule or
16 regulation of a governmental agency. No license plates other
17 than those furnished by the state shall be used. However, if
18 the vehicle is not required to be licensed in this state, the
19 license plates on such vehicle issued by another state, by a
20 territory, possession, or district of the United States, or by
21 a foreign country, substantially complying with the provisions
22 hereof, shall be considered as complying with this chapter. A
23 violation of this subsection is a noncriminal traffic
24 infraction, punishable as a nonmoving violation as provided in
25 chapter 318.

26 Section 19. Paragraph (b) of subsection (3) of section
27 316.650, Florida Statutes, is amended to read:

28 316.650 Traffic citations.--

29 (3)

30 (b) If a traffic citation is issued pursuant to s.

31 316.1001, a traffic enforcement officer may deposit the

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1 original and one copy of such traffic citation or, in the case
2 of a traffic enforcement agency that has an automated citation
3 system, may provide an electronic facsimile with a court
4 having jurisdiction over the alleged offense or with its
5 traffic violations bureau within 45 days after the date of
6 issuance of the citation to the violator. If the person cited
7 for the violation of s. 316.1001 makes the election provided
8 by s. 318.14(12) and pays the \$25 fine, or such other amount
9 as imposed by the governmental entity owning the applicable
10 toll facility, plus the amount of the unpaid toll that is
11 shown on the traffic citation directly to the governmental
12 entity that issued the citation, or on whose behalf the
13 citation was issued, in accordance with s. 318.14(12), the
14 traffic citation will not be submitted to the court, the
15 disposition will be reported to the department by the
16 governmental entity that issued the citation, or on whose
17 behalf the citation was issued, and no points will be assessed
18 against the person's driver's license.

19 Section 20. Subsection (12) of section 318.14, Florida
20 Statutes, is amended to read:

21 318.14 Noncriminal traffic infractions; exception;
22 procedures.--

23 (12) Any person cited for a violation of s. 316.1001
24 may, in lieu of making an election as set forth in subsection
25 (4) or s. 318.18(7), elect to pay a his or her fine of \$25, or
26 such other amount as imposed by the governmental entity owning
27 the applicable toll facility, plus the amount of the unpaid
28 toll that is shown on the traffic citation directly to the
29 governmental entity that issued the citation, or on whose
30 behalf the citation was issued, within 30 days after the date
31 of issuance of the citation. Any person cited for a violation

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1 of s. 316.1001 who does not elect to pay the fine imposed by
 2 the governmental entity owning the applicable toll facility
 3 plus the amount of the unpaid toll that is shown on the
 4 traffic citation directly to the governmental entity that
 5 issued the citation, or on whose behalf the citation was
 6 issued, as described in this subsection ~~section~~ shall have an
 7 additional 45 days after the date of the issuance of the
 8 citation in which to request a court hearing or to pay the
 9 civil penalty and delinquent fee, if applicable, as provided
 10 in s. 318.18(7), either by mail or in person, in accordance
 11 with subsection (4).

12 Section 21. Section 318.18, Florida Statutes, is
 13 amended to read:

14 318.18 Amount of ~~civil~~ penalties.--The penalties
 15 required for a noncriminal disposition pursuant to s. 318.14
 16 or a criminal offense listed in s. 318.17 are as follows:

- 17 (1) Fifteen dollars for:
 - 18 (a) All infractions of pedestrian regulations.
 - 19 (b) All infractions of s. 316.2065, unless otherwise
 - 20 specified.
 - 21 (c) Other violations of chapter 316 by persons 14
 - 22 years of age or under who are operating bicycles, regardless
 - 23 of the noncriminal traffic infraction's classification.

- 24 (2) Thirty dollars for all nonmoving traffic
- 25 violations and:
 - 26 (a) For all violations of s. 322.19.
 - 27 (b) For all violations of ss. 320.0605, 320.07(1),
 - 28 322.065, and 322.15(1). Any person who is cited for a
 - 29 violation of s. 320.07(1) shall be charged a delinquent fee
 - 30 pursuant to s. 320.07(4).

31 1. If a person who is cited for a violation of s.

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1 320.0605 or s. 320.07 can show proof of having a valid
2 registration at the time of arrest, the clerk of the court may
3 dismiss the case and may assess a dismissal fee of up to
4 \$7.50. A person who finds it impossible or impractical to
5 obtain a valid registration certificate must submit an
6 affidavit detailing the reasons for the impossibility or
7 impracticality. The reasons may include, but are not limited
8 to, the fact that the vehicle was sold, stolen, or destroyed;
9 that the state in which the vehicle is registered does not
10 issue a certificate of registration; or that the vehicle is
11 owned by another person.

12 2. If a person who is cited for a violation of s.
13 322.03, s. 322.065, or s. 322.15 can show a driver's license
14 issued to him or her and valid at the time of arrest, the
15 clerk of the court may dismiss the case and may assess a
16 dismissal fee of up to \$7.50.

17 3. If a person who is cited for a violation of s.
18 316.646 can show proof of security as required by s. 627.733,
19 issued to the person and valid at the time of arrest, the
20 clerk of the court may dismiss the case and may assess a
21 dismissal fee of up to \$7.50. A person who finds it impossible
22 or impractical to obtain proof of security must submit an
23 affidavit detailing the reasons for the impracticality. The
24 reasons may include, but are not limited to, the fact that the
25 vehicle has since been sold, stolen, or destroyed; that the
26 owner or registrant of the vehicle is not required by s.
27 627.733 to maintain personal injury protection insurance; or
28 that the vehicle is owned by another person.

29 (c) For all violations of ss. 316.2935 and 316.610.
30 However, for a violation of s. 316.2935 or s. 316.610, if the
31 person committing the violation corrects the defect and

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1 obtains proof of such timely repair by an affidavit of
 2 compliance executed by the law enforcement agency within 30
 3 days from the date upon which the traffic citation was issued,
 4 and pays \$4 to the law enforcement agency, thereby completing
 5 the affidavit of compliance, then upon presentation of said
 6 affidavit by the defendant to the clerk within the 30-day time
 7 period set forth under s. 318.14(4), the fine must be reduced
 8 to \$7.50, which the clerk of the court shall retain.

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

11 (3)(a) Except as otherwise provided in this section,
 12 \$60 for all moving violations not requiring a mandatory
 13 appearance.

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

For speed exceeding the limit by:	Fine:
18 1-5 m.p.h.....	Warning
19 6-9 m.p.h.....	\$25
20 10-14 m.p.h.....	\$100
21 15-19 m.p.h.....	\$125
22 20-29 m.p.h.....	\$150
23 30 m.p.h. and above.....	\$250

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

29 (d) A person cited for exceeding the speed limit in a
 30 posted construction zone, which posting must include
 31 notification of the speed limit and the doubling of fines,

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1 shall pay a fine double the amount listed in paragraph (b).
2 The fine shall be doubled for construction zone violations
3 only if construction personnel are present or operating
4 equipment on the road or immediately adjacent to the road
5 under construction.

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

12 (f) If a violation of s. 316.1301 or s. 316.1303
13 results in an injury to the pedestrian or damage to the
14 property of the pedestrian, an additional fine of up to \$250
15 shall be paid. This amount must be distributed pursuant to s.
16 318.21.

17 (g) A person cited for exceeding the speed limit
18 within a zone posted for any electronic or manual toll
19 collection facility shall pay a fine double the amount listed
20 in paragraph (b). However, no person cited for exceeding the
21 speed limit in any toll collection zone shall be subject to a
22 doubled fine unless the governmental entity or authority
23 controlling the toll collection zone first installs a traffic
24 control device providing warning that speeding fines are
25 doubled. Any such traffic control device must meet the
26 requirements of the uniform system of traffic control devices.

27 (h) A person cited for a second or subsequent
28 conviction of speed exceeding the limit by 30 miles per hour
29 and above within a 12-month period shall pay a fine that is
30 double the amount listed in paragraph (b). For purposes of
31 this paragraph, the term "conviction" means a finding of guilt

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1 as a result of a jury verdict, nonjury trial, or entry of a
 2 plea of guilty. Moneys received from the increased fine
 3 imposed by this paragraph shall be remitted to the Department
 4 of Revenue and deposited into the Department of Health
 5 Administrative Trust Fund to provide financial support to
 6 certified trauma centers to assure the availability and
 7 accessibility of trauma services throughout the state. Funds
 8 deposited into the Administrative Trust Fund under this
 9 section shall be allocated as follows:

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

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

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

20 (5)(a) One hundred dollars for a violation of s.
 21 316.172(1)(a), failure to stop for a school bus. If, at a
 22 hearing, the alleged offender is found to have committed this
 23 offense, the court shall impose a minimum civil penalty of
 24 \$100. In addition to this penalty, for a second or subsequent
 25 offense within a period of 5 years, the department shall
 26 suspend the driver's license of the person for not less than
 27 90 days and not more than 6 months.

28 (b) Two hundred dollars for a violation of s.
 29 316.172(1)(b), passing a school bus on the side that children
 30 enter and exit when the school bus displays a stop signal. If,
 31 at a hearing, the alleged offender is found to have committed

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1 | this offense, the court shall impose a minimum civil penalty
2 | of \$200. In addition to this penalty, for a second or
3 | subsequent offense within a period of 5 years, the department
4 | shall suspend the driver's license of the person for not less
5 | than 180 days and not more than 1 year.

6 | (6) One hundred dollars or the fine amount designated
7 | by county ordinance, plus court costs for illegally parking,
8 | under s. 316.1955, in a parking space provided for people who
9 | have disabilities. However, this fine will be waived if a
10 | person provides to the law enforcement agency that issued the
11 | citation for such a violation proof that the person committing
12 | the violation has a valid parking permit or license plate
13 | issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
14 | 320.0845, or s. 320.0848 or a signed affidavit that the owner
15 | of the disabled parking permit or license plate was present at
16 | the time the violation occurred, and that such a parking
17 | permit or license plate was valid at the time the violation
18 | occurred. The law enforcement officer, upon determining that
19 | all required documentation has been submitted verifying that
20 | the required parking permit or license plate was valid at the
21 | time of the violation, must sign an affidavit of compliance.
22 | Upon provision of the affidavit of compliance and payment of a
23 | dismissal fee of up to \$7.50 to the clerk of the circuit
24 | court, the clerk shall dismiss the citation.

25 | (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a
26 | violation of s. 316.1001 plus the amount of the unpaid toll
27 | shown on the traffic citation for each citation issued. The
28 | clerk of the court shall forward \$25 of the \$100 fine
29 | received, plus the amount of the unpaid toll that is shown on
30 | the citation, to the governmental entity that issued the
31 | citation, or on whose behalf the citation was issued. If a

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

23 (8)(a) Any person who fails to comply with the court's
24 requirements or who fails to pay the civil penalties specified
25 in this section within the 30-day period provided for in s.
26 318.14 must pay an additional civil penalty of \$12, \$2.50 of
27 which must be remitted to the Department of Revenue for
28 deposit in the General Revenue Fund, and \$9.50 of which must
29 be remitted to the Department of Revenue for deposit in the
30 Highway Safety Operating Trust Fund. The department shall
31 contract with the Florida Association of Court Clerks, Inc.,

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1 to design, establish, operate, upgrade, and maintain an
 2 automated statewide Uniform Traffic Citation Accounting System
 3 to be operated by the clerks of the court which shall include,
 4 but not be limited to, the accounting for traffic infractions
 5 by type, a record of the disposition of the citations, and an
 6 accounting system for the fines assessed and the subsequent
 7 fine amounts paid to the clerks of the court. On or before
 8 December 1, 2001, the clerks of the court must provide the
 9 information required by this chapter to be transmitted to the
 10 department by electronic transmission pursuant to the
 11 contract.

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

27 (c) If the noncriminal infraction has caused or
 28 resulted in the death of another, the person who committed the
 29 infraction may perform 120 community service hours under s.
 30 316.027(4), in addition to any other penalties.

31 (9) One hundred dollars for a violation of s.

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1 316.1575.

2 (10) Twenty-five dollars for a violation of s.

3 316.2074.

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

8

9 For pedestrian infractions.....\$ 3.

10 For nonmoving traffic infractions.....\$ 16.

11 For moving traffic infractions.....\$ 30.

12

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

19 1. Chapter 87-423, Laws of Florida, for Brevard
20 County.

21 2. Chapter 89-521, Laws of Florida, for Bay County.

22 3. Chapter 94-444, Laws of Florida, for Alachua
23 County.

24 4. Chapter 97-333, Laws of Florida, for Pinellas
25 County.

26

27 Funds collected by the clerk pursuant to this paragraph shall
28 be distributed to the centers authorized by those special
29 acts.

30 (c) In addition to the court cost required under
31 paragraph (a), a \$2.50 court cost must be paid for each

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1 | infraction to be distributed by the clerk to the county to
 2 | help pay for criminal justice education and training programs
 3 | pursuant to s. 938.15. Funds from the distribution to the
 4 | county not directed by the county to fund these centers or
 5 | programs shall be retained by the clerk and used for funding
 6 | the court-related services of the clerk.

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

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

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

26 | (a) May impose by ordinance a surcharge of up to \$15
 27 | for any infraction or violation to fund state court
 28 | facilities. The court shall not waive this surcharge. Up to 25
 29 | percent of the revenue from such surcharge may be used to
 30 | support local law libraries provided that the county or unit
 31 | of local government provides a level of service equal to that

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1 provided prior to July 1, 2004, which shall include the
2 continuation of library facilities located in or near the
3 county courthouse or annexes.

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

1 and litigants, or other exigent circumstances; or support
 2 local law libraries in or near the county courthouse or
 3 annexes.

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

14 (14) In addition to any penalties imposed for
 15 noncriminal traffic infractions under this chapter or imposed
 16 for criminal violations listed in s. 318.17, any unit of local
 17 government that is consolidated as provided by s. 9, Art. VIII
 18 of the State Constitution of 1885, as preserved by s. 6(e),
 19 Art. VIII of the State Constitution of 1968, and that is
 20 granted the authority in the State Constitution to exercise
 21 all the powers of a municipal corporation, and any unit of
 22 local government operating under a home rule charter adopted
 23 pursuant to ss. 10, 11, and 24, Art. VIII of the State
 24 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
 25 the State Constitution of 1968, that is granted the authority
 26 in the State Constitution to exercise all the powers conferred
 27 now or hereafter by general law upon municipalities, may
 28 impose by ordinance a surcharge of up to \$15 for any
 29 infraction or violation. Revenue from the surcharge shall be
 30 transferred to such unit of local government for the purpose
 31 of replacing fine revenue deposited into the clerk's fine and

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1 forfeiture fund under s. 142.01. The court may not waive this
 2 surcharge. Proceeds from the imposition of the surcharge
 3 authorized in this subsection shall not be used for the
 4 purpose of securing payment of the principal and interest on
 5 bonds. This subsection, and any surcharge imposed pursuant to
 6 this subsection, shall stand repealed September 30, 2007.

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

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

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

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1 Services may retain funds sufficient to recover the costs and
 2 expenses incurred for the purposes of managing, administering,
 3 and overseeing the Statewide Law Enforcement Radio System. The
 4 Department of Management Services working in conjunction with
 5 the Joint Task Force on State Agency Law Enforcement
 6 Communications shall determine and direct the purposes for
 7 which these funds are used to enhance and improve the radio
 8 system.

9 Section 22. Subsection (17) is added to section
 10 318.21, Florida Statutes, to read:

11 318.21 Disposition of civil penalties by county
 12 courts.--All civil penalties received by a county court
 13 pursuant to the provisions of this chapter shall be
 14 distributed and paid monthly as follows:

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

19 Section 23. Section 320.061, Florida Statutes, is
 20 amended to read:

21 320.061 Unlawful to alter motor vehicle registration
 22 certificates, license plates, mobile home stickers, or
 23 validation stickers or to obscure license plates; penalty.--No
 24 person shall alter the original appearance of any registration
 25 license plate, mobile home sticker, validation sticker, or
 26 vehicle registration certificate issued for and assigned to
 27 any motor vehicle or mobile home, whether by mutilation,
 28 alteration, defacement, or change of color or in any other
 29 manner. No person shall apply or attach any substance,
 30 reflective matter, illuminated device, spray, coating,
 31 covering, or other material onto or around any license plate

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1 that interferes with the legibility, angular visibility, or
 2 detectability of any feature or detail on the license plate or
 3 interferes with the ability to record any feature or detail on
 4 the license plate. Any person who violates ~~the provisions of~~
 5 this section commits ~~is guilty of~~ a misdemeanor of the second
 6 degree, punishable as provided in s. 775.082 or s. 775.083.

7 Section 24. Notwithstanding any provision to the
 8 contrary, the second paragraph contained in Specific
 9 Appropriation 2188 of the 2007-2008 General Appropriations Act
 10 shall not take effect but is repealed.

11 Section 25. Paragraph (c) of subsection (6) and
 12 subsection (8) of section 332.007, Florida Statutes, are
 13 amended to read:

14 332.007 Administration and financing of aviation and
 15 airport programs and projects; state plan.--

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

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

29 (8) Notwithstanding any other provision of law to the
 30 contrary, the department is authorized to fund security
 31 projects at ~~provide operational and maintenance assistance to~~

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

16 Section 26. Subsection (4) of section 332.14, Florida
17 Statutes, is amended to read:

18 332.14 Secure Airports for Florida's Economy
19 Council.--

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

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

8 Section 27. Section 334.351, Florida Statutes, is
9 amended to read:

10 334.351 Youth work experience program; findings and
11 intent; authority to contract; limitation.--

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

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

31 (3) When selecting a nonprofit youth organization to

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1 perform work on transportation-related facilities and before
2 awarding a contract under this section, the department must
3 consider the following criteria:

4 (a) The number of participants receiving
5 life-management skills training;

6 (b) The number of participants receiving high school
7 diplomas or GEDs;

8 (c) The number of participants receiving scholarships;

9 (d) The number of participants receiving bonuses;

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

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

14 (4) Each nonprofit youth organization under contract
15 with the department must:

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

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

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

29 Section 28. Paragraph (c) of subsection (1) of section
30 336.025, Florida Statutes, is amended to read:

31 336.025 County transportation system; levy of local

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1 option fuel tax on motor fuel and diesel fuel.--

2 (1)

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

12 Section 29. Subsection (3) of section 336.41, Florida
13 Statutes, is amended to read:

14 336.41 Counties; employing labor and providing road
15 equipment; accounting; when competitive bidding required.--

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

23 (a) Construction and maintenance in emergency
24 situations, and

25 (b) In addition to emergency work, construction and
26 reconstruction, including resurfacing, mineral seal coating,
27 and bridge repairs, having a total cumulative annual value not
28 to exceed 5 percent of its 80-percent portion of the
29 constitutional gas tax or \$400,000 ~~\$250,000~~, whichever is
30 greater, and

31 (c) Construction of sidewalks, curbing, accessibility

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

7
 8 for which the county may utilize its own forces. However, if,
 9 after proper advertising, no bids are received by a county for
 10 a specific project, the county may use its own forces to
 11 construct the project, notwithstanding the limitation of this
 12 subsection. Nothing in this section shall prevent the county
 13 from performing routine maintenance as authorized by law.

14 Section 30. Construction aggregate materials.--

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

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

27 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local
 28 government shall approve or deny a proposed land use zoning
 29 change, comprehensive plan amendment, land use permit,
 30 ordinance, or order regarding construction aggregate materials
 31 without considering any information provided by the Department

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1 of Transportation regarding the effect such change, amendment,
2 permit decision, ordinance, or order would have on the
3 availability, transportation, and potential extraction of
4 construction aggregate materials on the local area, the
5 region, and the state. The failure of the Department of
6 Transportation to provide this information shall not be a
7 basis for delay or invalidation of the local government
8 action. No local government may impose a moratorium, or
9 combination of moratoria, of more than 12 months' duration on
10 the mining or extraction of construction aggregate materials,
11 commencing on the date the vote was taken to impose the
12 moratorium. January 1, 2007, shall serve as the commencement
13 of the 12-month period for moratoria already in place as of
14 July 1, 2007.

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

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

31 (a) The Strategic Aggregates Review Task Force is

1 created to evaluate the availability and disposition of
2 construction aggregate materials and related mining and land
3 use practices in this state.

4 (b) The task force shall be appointed by August 1,
5 2007, and shall be composed of the following 19 members:

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

9 a. The mining industry.

10 b. The construction industry.

11 c. The transportation industries, including seaports,
12 trucking, railroads, or roadbuilders.

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

17 e. Environmental advocacy groups.

18 2. The Secretary of Environmental Protection or
19 designee.

20 3. The Secretary of Community Affairs or designee.

21 4. The Secretary of Transportation or designee.

22 5. One member appointed by the Florida League of
23 Cities, Inc.

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

29 (d) The Department of Transportation shall organize
30 and provide administrative support for the task force and
31 coordinate with other state agencies and local governments in

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1 obtaining and providing such data and information as may be
 2 needed by the task force to complete its evaluation. The
 3 department may conduct any supporting studies as are required
 4 to obtain needed information or otherwise assist the task
 5 force in its review and deliberations.

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

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

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

20 Section 31. Section 337.026, Florida Statutes, is
 21 created to read:

22 337.026 Authority of department to enter into
 23 agreements for construction aggregate materials.--

24 (1) The department may pursue procurement techniques
 25 that will provide the department with reliable and economic
 26 supplies of construction aggregate materials and control time
 27 and cost increases on construction projects.

28 (2) The department may enter into agreements with
 29 private or public entities. Such agreements may include, but
 30 are not limited to, department acquisition of materials or
 31 resources or long-term leases for a term not to exceed 99

1 years that will advance the state's transportation needs.

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

12 Section 32. 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 located. Publication shall be at least once a week for
24 no less than 2 consecutive weeks, and the first publication
25 shall be no less than 14 days prior to the date on which bids
26 are to be received.

27 Section 33. 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) Any person desiring to bid for the performance of

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

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1 the department. The information required by this subsection is
 2 confidential and exempt from the provisions of s.
 3 119.07(1). The department shall act upon the application for
 4 qualification within 30 days after the department determines
 5 that the application is complete. The department may waive the
 6 requirements of this subsection for projects having a contract
 7 price of \$500,000 or less if the department determines that
 8 the project is of a noncritical nature and the waiver will not
 9 endanger public health, safety, or property.

10 Section 34. Paragraph (a) of subsection (1) of section
 11 337.18, Florida Statutes, is amended to read:

12 337.18 Surety bonds for construction or maintenance
 13 contracts; requirement with respect to contract award; bond
 14 requirements; defaults; damage assessments.--

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

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

29 Section 35. Section 338.161, Florida Statutes, is
30 amended to read:

31 338.161 Authority of department or toll agencies to

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1 advertise and promote electronic toll collection; expanded
2 uses of electronic toll collection system; studies
3 authorized.--

4 (1) The department is authorized to incur expenses for
5 paid advertising, marketing, and promotion of toll facilities
6 and electronic toll collection products and services.
7 Promotions may include discounts and free products.

8 (2) The department is authorized to receive funds from
9 advertising placed on electronic toll collection products and
10 promotional materials to defray the costs of products and
11 services.

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

16 (b) If the department or any toll agency created by
17 statute finds that it can increase nontoll revenues or add
18 convenience or other value for its customers, the department
19 or toll agency may enter into agreements with any private or
20 public entity allowing the use of its electronic toll
21 collection system to pay parking fees for vehicles equipped
22 with a transponder or similar device. The department or toll
23 agency may initiate feasibility studies of additional future
24 uses of its electronic toll collection system and make
25 recommendations to the Legislature to authorize such uses.

26 Section 36. Subsections (1), (3), and (4) of section
27 338.2275, Florida Statutes, are amended to read:

28 338.2275 Approved turnpike projects.--

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

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1 | the State Constitution. No more than \$10 billion of bonds may
 2 | be outstanding to fund approved turnpike projects. Turnpike
 3 | ~~projects approved to be included in future tentative work~~
 4 | ~~programs include, but are not limited to, projects contained~~
 5 | ~~in the 2003-2004 tentative work program. A maximum of \$4.5~~
 6 | ~~billion of bonds may be issued to fund approved turnpike~~
 7 | ~~projects.~~

8 | ~~(3) Subject to verification of economic feasibility by~~
 9 | ~~the department in accordance with s. 338.221(8), the~~
 10 | ~~department shall acquire the assets and assume the liabilities~~
 11 | ~~of the Sawgrass Expressway as a candidate project from the~~
 12 | ~~Broward County Expressway Authority. The agreement to acquire~~
 13 | ~~the Sawgrass Expressway shall be subject to the terms and~~
 14 | ~~covenants of the Broward County Expressway Authority Bond~~
 15 | ~~Series 1984 and 1986A lease-purchase agreements and shall not~~
 16 | ~~act to the detriment of the bondholders nor decrease the~~
 17 | ~~quality of the bonds. The department shall provide for the~~
 18 | ~~cost of operations and maintenance expenses and for the~~
 19 | ~~replacement of future Broward County gasoline tax funds~~
 20 | ~~pledged for the payment of principal and interest on such~~
 21 | ~~bonds. The department shall repay, to the extent possible,~~
 22 | ~~Broward County gasoline tax funds used since July 6, 1988, for~~
 23 | ~~debt service on such bonds. For the purpose of calculating the~~
 24 | ~~economic feasibility of this project, the department is~~
 25 | ~~authorized to exclude operations and maintenance expenses~~
 26 | ~~accumulated between July 6, 1988, and the date of the~~
 27 | ~~agreement. Upon performance of all terms of the agreement~~
 28 | ~~between the parties, the Sawgrass Expressway will become a~~
 29 | ~~part of the turnpike system.~~

30 | ~~(3)(4)~~ Bonds may not be issued to fund a turnpike
 31 | project until the department has made a final determination

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1 that the project is economically feasible in accordance with
2 s. 338.221, based on the most current information available.

3 Section 37. Subsections (3), (4), and (6) of section
4 338.231, Florida Statutes, are amended to read:

5 338.231 Turnpike tolls, fixing; pledge of tolls and
6 other revenues.--The department shall at all times fix,
7 adjust, charge, and collect such tolls for the use of the
8 turnpike system as are required in order to provide a fund
9 sufficient with other revenues of the turnpike system to pay
10 the cost of maintaining, improving, repairing, and operating
11 such turnpike system; to pay the principal of and interest on
12 all bonds issued to finance or refinance any portion of the
13 turnpike system as the same become due and payable; and to
14 create reserves for all such purposes.

15 (3) The department shall publish a proposed change in
16 the toll rate for the use of an existing toll facility, in the
17 manner provided for in s. 120.54, which will provide for
18 public notice and the opportunity for a public hearing before
19 the adoption of the proposed rate change. When the department
20 is evaluating a proposed turnpike toll project under s.
21 338.223 and has determined that there is a high probability
22 that the project will pass the test of economic feasibility
23 predicated on proposed toll rates, the toll rate that is
24 proposed to be charged after the project is constructed must
25 be adopted during the planning and project development phase
26 of the project, in the manner provided for in s. 120.54,
27 including public notice and the opportunity for a public
28 hearing. For such a new project, the toll rate becomes
29 effective upon the opening of the project to traffic.

30 (4) For the period July 1, 1998, through June 30, 2017
31 ~~2007~~, the department shall, to the maximum extent feasible,

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1 program sufficient funds in the tentative work program such
 2 that the percentage of turnpike toll and bond financed
 3 commitments in Dade County, Broward County, and Palm Beach
 4 County as compared to total turnpike toll and bond financed
 5 commitments shall be at least 90 percent of the share of net
 6 toll collections attributable to users of the turnpike system
 7 in Dade County, Broward County, and Palm Beach County as
 8 compared to total net toll collections attributable to users
 9 of the turnpike system. The requirements of this subsection do
 10 not apply when the application of such requirements would
 11 violate any covenant established in a resolution or trust
 12 indenture relating to the issuance of turnpike bonds.

13 (6) In each fiscal year while any of the bonds of the
 14 Broward County Expressway Authority series 1984 and series
 15 1986-A remain outstanding, the department is authorized to
 16 pledge revenues from the turnpike system to the payment of
 17 principal and interest of such series of bonds, ~~the repayment~~
 18 ~~of Broward County gasoline tax funds as provided in s.~~
 19 ~~338.2275(3)~~, and the operation and maintenance expenses of the
 20 Sawgrass Expressway, to the extent gross toll revenues of the
 21 Sawgrass Expressway are insufficient to make such payments.
 22 The terms of an agreement relative to the pledge of turnpike
 23 system revenue will be negotiated with the parties of the 1984
 24 and 1986 Broward County Expressway Authority lease-purchase
 25 agreements, and subject to the covenants of those agreements.
 26 The agreement shall establish that the Sawgrass Expressway
 27 shall be subject to the planning, management, and operating
 28 control of the department limited only by the terms of the
 29 lease-purchase agreements. The department shall provide for
 30 the payment of operation and maintenance expenses of the
 31 Sawgrass Expressway until such agreement is in effect. This

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1 | pledge of turnpike system revenues shall be subordinate to the
 2 | debt service requirements of any future issue of turnpike
 3 | bonds, the payment of turnpike system operation and
 4 | maintenance expenses, and subject to provisions of any
 5 | subsequent resolution or trust indenture relating to the
 6 | issuance of such turnpike bonds.

7 | Section 38. Paragraph (j) of subsection (1) of section
 8 | 339.08, Florida Statutes, is amended to read:

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

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

15 | (j) To pay the cost of county or municipal road
 16 | projects selected in accordance with the County Incentive
 17 | Grant Program created in s. 339.2817, ~~and~~ the Small County
 18 | Outreach Program created in s. 339.2818, and the Enhanced
 19 | Bridge Program for Sustainable Transportation created in s.
 20 | 339.285.

21 | Section 39. Subsection (1) of section 339.09, Florida
 22 | Statutes, is amended to read:

23 | 339.09 Use of transportation tax revenues;
 24 | restrictions.--

25 | (1) Funds available to the department shall not be
 26 | used for any nontransportation purpose. However, the
 27 | department shall construct and maintain roads, parking areas,
 28 | and other transportation facilities adjacent to and within the
 29 | grounds of state institutions, public community colleges,
 30 | farmers' markets, and wayside parks upon request of the proper
 31 | authorities. The department is encouraged and permitted to use

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1 funds to construct and maintain noise mitigation facilities or
2 walls upon request of the proper authorities.

3 Section 40. Section 339.175, Florida Statutes, is
4 amended to read:

5 339.175 Metropolitan planning organization.--

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

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1 facilities that should function as an integrated metropolitan
 2 transportation system, giving emphasis to facilities that
 3 serve important national, state, and regional transportation
 4 functions. For the purposes of this section, those facilities
 5 include the facilities on the Strategic Intermodal System
 6 designated under s. 339.63 and facilities for which projects
 7 have been identified pursuant to s. 339.2819(4).

8 ~~(2)(1)~~ DESIGNATION.--

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

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

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

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1 government that is represented on the governing board of the
2 M.P.O. or that is a signatory to the interlocal agreement
3 creating the M.P.O. and shall have such powers and privileges
4 that are provided under s. 163.01. If there is a conflict
5 between this section and s. 163.01, this section prevails.

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

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

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

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1 minutes and maintaining agency records. The clerk shall be a
 2 member of the M.P.O. governing board, an employee of the
 3 M.P.O., or other natural person.

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

7 (3)(2) VOTING MEMBERSHIP.--

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

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1 officials of a general-purpose local government" shall exclude
 2 constitutional officers, including sheriffs, tax collectors,
 3 supervisors of elections, property appraisers, clerks of the
 4 court, and similar types of officials. County commissioners
 5 ~~The county commission~~ shall compose not less than 20 percent
 6 of the M.P.O. membership if an official of an agency that
 7 operates or administers a major mode of transportation has
 8 been appointed to an M.P.O.

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

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

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

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

31 and

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

4
5 Any charter county that elects to exercise the provisions of
6 this paragraph shall notify the Governor in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 | 2. Increase the safety and security of the

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1 transportation system for motorized and nonmotorized users;

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

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

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

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

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

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

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

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

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

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

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

30 6. Perform all other duties required by state or
31 federal law.

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

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

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1 and the handicapped must be adequately represented.

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

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

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

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

1 initiatives that are specifically designed to meet the needs
2 of M.P.O. board members.

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

7 1. Coordinate transportation projects deemed to be
8 regionally significant by the committee.

9 2. Review the impact of regionally significant land
10 use decisions on the region.

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

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

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

29 Consequently, it is appropriate to set forth a flexible
30 methodology that can be used by M.P.O.'s to coordinate with
31 other M.P.O.'s and appropriate political subdivisions as

1 | circumstances demand.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 ~~(9)~~(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.

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1 shall develop, in cooperation with the department and public
 2 transportation providers, a unified planning work program that
 3 lists all planning tasks to be undertaken during the program
 4 year. The unified planning work program must provide a
 5 complete description of each planning task and an estimated
 6 budget therefor and must comply with applicable state and
 7 federal law.

8 ~~(10)(9)~~ AGREEMENTS.--

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

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

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

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

30 (b) An M.P.O. may execute other agreements required by
 31 state or federal law or as necessary to properly accomplish

1 | its functions.

2 | ~~(11)(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
3 | COUNCIL.--

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

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

17 | (c) The powers and duties of the Metropolitan Planning
18 | Organization Advisory Council are to:

19 | 1. Enter into contracts with individuals, private
20 | corporations, and public agencies.

21 | 2. Acquire, own, operate, maintain, sell, or lease
22 | personal property essential for the conduct of business.

23 | 3. Accept funds, grants, assistance, gifts, or
24 | bequests from private, local, state, or federal sources.

25 | 4. Establish bylaws and adopt rules pursuant to ss.
26 | 120.536(1) and 120.54 to implement provisions of law
27 | conferring powers or duties upon it.

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

31 | 6. Serve as a clearinghouse for review and comment by

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1 M.P.O.'s on the Florida Transportation Plan and on other
 2 issues required to comply with federal or state law in
 3 carrying out the urbanized area transportation and systematic
 4 planning processes instituted pursuant to s. 339.155.

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

14 8. Adopt an agency strategic plan that provides the
 15 priority directions the agency will take to carry out its
 16 mission within the context of the state comprehensive plan and
 17 any other statutory mandates and directions given to the
 18 agency.

19 ~~(12)~~~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon
 20 notification by an agency of the Federal Government that any
 21 provision of this section conflicts with federal laws or
 22 regulations, such federal laws or regulations will take
 23 precedence to the extent of the conflict until such conflict
 24 is resolved. The department or an M.P.O. may take any
 25 necessary action to comply with such federal laws and
 26 regulations or to continue to remain eligible to receive
 27 federal funds.

28 ~~(13)~~~~(12)~~ VOTING REQUIREMENTS.--Each long-range
 29 transportation plan required pursuant to subsection~~(7)~~ ~~(6)~~,
 30 each annually updated Transportation Improvement Program
 31 required under subsection~~(8)~~ ~~(7)~~, and each amendment that

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1 affects projects in the first 3 years of such plans and
2 programs must be approved by each M.P.O. on a recorded roll
3 call vote, or hand-counted vote, of a majority of the
4 membership present.

5 Section 41. Subsection (2) of section 339.2819,
6 Florida Statutes, is amended to read:

7 339.2819 Transportation Regional Incentive Program.--

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

13 Section 42. Section 339.282, Florida Statutes, is
14 created to read:

15 339.282 Transportation concurrency incentives.--The
16 Legislature finds that allowing private-sector entities to
17 finance, construct, and improve public transportation
18 facilities can provide significant benefits to the citizens of
19 this state by facilitating transportation of the general
20 public without the need for additional public tax revenues. In
21 order to encourage the more efficient and proactive provision
22 of transportation improvements by the private sector, if a
23 developer or property owner voluntarily contributes
24 right-of-way and physically constructs or expands a state
25 transportation facility or segment, and such construction or
26 expansion improves traffic flow, capacity, or safety, the
27 voluntary contribution may be applied as a credit for that
28 property owner or developer against any future transportation
29 concurrency requirements pursuant to chapter 163, provided
30 such contributions and credits are set forth in a legally
31 binding agreement executed by the property owner or developer,

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

12 Section 43. Section 339.285, Florida Statutes, is
 13 created to read:

14 339.285 Enhanced Bridge Program for Sustainable
 15 Transportation.--

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

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

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

31 (a) Be classified as a structurally deficient bridge

1 having a poor condition rating for the deck, superstructure,
2 substructure component, or culvert;

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

4 (c) Have average daily traffic of at least 500
5 vehicles.

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

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

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

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

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

24 Section 44. Subsection (4) of section 339.55, Florida
25 Statutes, is amended, and paragraph (c) is added to subsection
26 (2) and paragraph (j) is added to subsection (7) of that
27 section, to read:

28 339.55 State-funded infrastructure bank.--

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

31 (c)1. Emergency loans for damages incurred to

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

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

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

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

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

22 (4) Loans from the bank may bear interest at or below
 23 market interest rates, as determined by the department.

24 Repayment of any loan ~~from the bank~~ shall commence not later
 25 than 5 years after the project has been completed or, in the
 26 case of a highway project, the facility has opened to traffic,
 27 whichever is later, and shall be repaid within ~~in no more than~~
 28 30 years, except for loans provided under paragraph (2)(c),
 29 which shall be repaid within 36 months.

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

1 assistance from the bank:

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

8 Section 45. Section 339.63, Florida Statutes, is
9 amended to read:

10 339.63 System facilities designated; additions and
11 deletions.--

12 (1) The initial Strategic Intermodal System shall
13 include all facilities that meet the criteria recommended by
14 the Strategic Intermodal Steering Committee in a report titled
15 "Steering Committee Final Report: Recommendations for
16 Designating Florida's Strategic Intermodal System" dated
17 December 2002.

18 (2) The Strategic Intermodal System and the Emerging
19 Strategic Intermodal System include three different types of
20 facilities that each form one component of an interconnected
21 transportation system which types include:

22 (a) Existing or planned hubs that are ports and
23 terminals including airports, seaports, spaceports, passenger
24 terminals, and rail terminals serving to move goods or people
25 between Florida regions or between Florida and other markets
26 in the United States and the rest of the world;

27 (b) Existing or planned corridors that are highways,
28 rail lines, waterways, and other exclusive-use facilities
29 connecting major markets within Florida or between Florida and
30 other states or nations; and

31 (c) Existing or planned intermodal connectors that are

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1 highways, rail lines, waterways or local public transit
2 systems serving as connectors between the components listed in
3 paragraphs (a) and (b).

4 (3) ~~After~~ ~~Subsequent to~~ the initial designation of the
5 Strategic Intermodal System ~~under~~ ~~pursuant to~~ subsection (1),
6 the department shall, in coordination with the metropolitan
7 planning organizations, local governments, regional planning
8 councils, transportation providers, and affected public
9 agencies, add facilities to or delete facilities from the
10 Strategic Intermodal System described in paragraphs (2)(b) and
11 (2)(c) based upon criteria adopted by the department.

12 (4) After the initial designation of the Strategic
13 Intermodal System under subsection (1), the department shall,
14 in coordination with the metropolitan planning organizations,
15 local governments, regional planning councils, transportation
16 providers, and affected public agencies, add facilities to or
17 delete facilities from the Strategic Intermodal System
18 described in paragraph (2)(a) based upon criteria adopted by
19 the department. However, an airport that is designated as a
20 reliever airport to a Strategic Intermodal System airport
21 which has at least 75,000 itinerant operations per year, has a
22 runway length of at least 5,500 linear feet, is capable of
23 handling aircraft weighing at least 60,000 pounds with a dual
24 wheel configuration which is served by at least one precision
25 instrument approach, and serves a cluster of
26 aviation-dependent industries, shall be designated as part of
27 the Strategic Intermodal System by the the Secretary of
28 Transportation upon the request of a reliever airport meeting
29 this criteria. shall periodically add facilities to or delete
30 facilities from the Strategic Intermodal System based upon
31 adopted criteria.

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1 Section 46. Subsection (2) of section 341.071, Florida
2 Statutes, is amended to read:

3 341.071 Transit productivity and performance measures;
4 reports.--

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

17 Section 47. Paragraph (a) of subsection (2) of section
18 343.81, Florida Statutes, is amended to read:

19 343.81 Northwest Florida Transportation Corridor
20 Authority.--

21 (2)(a) The governing body of the authority shall
22 consist of eight voting members, one each from Escambia, Santa
23 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla
24 Counties, appointed by the Governor to a 4-year term. The
25 appointees shall be residents of their respective counties and
26 may not hold an elected office. Upon the effective date of his
27 or her appointment, or as soon thereafter as practicable, each
28 appointed member of the authority shall enter upon his or her
29 duties. Each appointed member shall hold office until his or
30 her successor has been appointed and has qualified. A vacancy
31 occurring during a term shall be filled only for the balance

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1 of the unexpired term. Any member of the authority shall be
2 eligible for reappointment. Members of the authority may be
3 removed from office by the Governor for misconduct,
4 malfeasance, misfeasance, or nonfeasance in office.

5 Section 48. The amendments made by this act to s.
6 343.81, Florida Statutes, prohibiting the appointment of a
7 person holding an elected office to the Northwest Florida
8 Transportation Corridor Authority shall not prohibit any
9 member appointed prior to the effective date of this act from
10 completing his or her current term, and the prohibition shall
11 only apply to members appointed after the effective date of
12 this act and shall not preclude the reappointment of any
13 existing member.

14 Section 49. Subsection (2) of section 343.82, Florida
15 Statutes, is amended to read:

16 343.82 Purposes and powers.--

17 (2)(a) The authority is authorized to construct any
18 feeder roads, reliever roads, connector roads, bypasses, or
19 appurtenant facilities that are intended to improve mobility
20 along the U.S. 98 corridor. The transportation improvement
21 projects may also include all necessary approaches, roads,
22 bridges, and avenues of access that are desirable and proper
23 with the concurrence, where applicable, of the department if
24 the project is to be part of the State Highway System or the
25 respective county or municipal governing boards. Any
26 transportation facilities constructed by the authority may be
27 tolled.

28 (b) Notwithstanding any special act to the contrary,
29 the authority shall plan for and study the feasibility of
30 constructing, operating, and maintaining a bridge or bridges
31 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and

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1 access roads to such bridge or bridges, including studying the
 2 environmental and economic feasibility of such bridge or
 3 bridges and access roads, and such other transportation
 4 facilities that become part of such bridge system. The
 5 authority may construct, operate, and maintain the bridge
 6 system if the authority determines that the bridge system
 7 project is feasible and consistent with the authority's
 8 primary purpose and master plan.

9 Section 50. Section 334.30, Florida Statutes, is
 10 amended to read:

11 334.30 Public-private transportation facilities.--The
 12 Legislature ~~hereby~~ finds and declares that there is a public
 13 need for the rapid construction of safe and efficient
 14 transportation facilities for the purpose of ~~traveling~~ ~~travel~~
 15 within the state, and that it is in the public's interest to
 16 provide for the construction of additional safe, convenient,
 17 and economical transportation facilities.

18 (1) The department may receive or solicit proposals
 19 and, with legislative approval as evidenced by approval of the
 20 project in the department's work program, enter into
 21 agreements with private entities, or consortia thereof, for
 22 the building, operation, ownership, or financing of
 23 transportation facilities. The department may advance projects
 24 programmed in the adopted 5-year work program or projects
 25 increasing transportation capacity and greater than \$500
 26 million in the 10-year Strategic Intermodal Plan using funds
 27 provided by public-private partnerships or private entities to
 28 be reimbursed from department funds for the project as
 29 programmed in the adopted work program. The department shall
 30 by rule establish an application fee for the submission of
 31 unsolicited proposals under this section. The fee must be

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1 sufficient to pay the costs of evaluating the proposals. The
2 department may engage the services of private consultants to
3 assist in the evaluation. Before approval, the department must
4 determine that the proposed project:

5 (a) Is in the public's best interest;

6 (b) Would not require state funds to be used unless
7 the project is on the State Highway System; ~~and~~

8 (c) Would have adequate safeguards in place to ensure
9 that no additional costs or service disruptions would be
10 realized by the traveling public and residents ~~citizens~~ of the
11 state in the event of default or cancellation of the agreement
12 by the department;~~;~~

13 (d) Would have adequate safeguards in place to ensure
14 that the department or the private entity has the opportunity
15 to add capacity to the proposed project and other
16 transportation facilities serving similar origins and
17 destinations; and

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

20
21 The department shall ensure that all reasonable costs to the
22 state, related to transportation facilities that are not part
23 of the State Highway System, are borne by the private entity.
24 The department shall also ensure that all reasonable costs to
25 the state and substantially affected local governments and
26 utilities, related to the private transportation facility, are
27 borne by the private entity for transportation facilities that
28 are owned by private entities. For projects on the State
29 Highway System, the department may use state resources to
30 participate in funding and financing the project as provided
31 for under the department's enabling legislation.

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1 (2) Agreements entered into pursuant to this section
2 may authorize the private entity to impose tolls or fares for
3 the use of the facility. The following provisions shall apply
4 to such agreements: ~~However, the amount and use of toll or~~
5 ~~fare revenues shall be regulated by the department to avoid~~
6 ~~unreasonable costs to users of the facility.~~

7 (a) With the exception of the Florida Turnpike System,
8 the department may lease existing toll facilities through
9 public-private partnerships. The public-private partnership
10 agreement must ensure that the transportation facility is
11 properly operated, maintained, and renewed in accordance with
12 department standards.

13 (b) The department may develop new toll facilities or
14 increase capacity on existing toll facilities through
15 public-private partnerships. The public-private partnership
16 agreement must ensure that the toll facility is properly
17 operated, maintained, and renewed in accordance with
18 department standards.

19 (c) Any toll revenues shall be regulated by the
20 department pursuant to s. 338.165(3). The regulations
21 governing the future increase of toll or fare revenues shall
22 be included in the public-private partnership agreement.

23 (d) The department shall provide the analysis required
24 in subsection (6)(e)2. of this section to the Legislative
25 Budget Commission created pursuant to s. 11.90 for review and
26 approval prior to awarding a contract on a lease of an
27 existing toll facility.

28 (e) The department shall include provisions in the
29 public-private partnership agreement that ensure a negotiated
30 portion of revenues from tolled or fare generating projects
31 are returned to the department over the life of the

1 public-private partnership agreement. In the case of a lease
 2 of an existing toll facility, the department shall receive a
 3 portion of funds upon closing on the agreements and shall also
 4 include provisions in the agreement to receive payment of a
 5 portion of excess revenues over the life of the public-private
 6 partnership.

7 (f) The private entity shall provide an investment
 8 grade traffic and revenue study prepared by an internationally
 9 recognized traffic and revenue expert that is accepted by the
 10 national bond rating agencies. The private entity shall also
 11 provide a finance plan that identifies the project cost,
 12 revenues by source, financing, major assumptions, internal
 13 rate of return on private investments, and whether any
 14 government funds are assumed to deliver a cost feasible
 15 project, and a total cash flow analysis beginning with
 16 implementation of the project and extending for the term of
 17 the agreement.

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

25 (4) The department may exercise any power possessed by
 26 it, including eminent domain, with respect to the development
 27 and construction of state transportation projects to
 28 facilitate the development and construction of transportation
 29 projects pursuant to this section. The department may provide
 30 services to the private entity. Agreements for maintenance,
 31 law enforcement, and other services entered into pursuant to

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1 | this section shall provide for full reimbursement for services
2 | rendered for projects not on the State Highway System.

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

10 | (6) The procurement of public-private partnerships by
11 | the department shall follow the provisions of this section.
12 | Sections 337.025, 337.11, 337.14, 337.141, 337.145, 337.175,
13 | 337.18, 337.185, 337.19, 337.221, and 337.251 shall not apply
14 | to procurements under this section unless a provision is
15 | included in the procurement documents. The department shall
16 | ensure that generally accepted business practices for
17 | exemptions provided by this subsection are part of the
18 | procurement process or are included in the public-private
19 | partnership agreement.

20 | (a) The department may request proposals from private
21 | entities for public-private transportation projects or, if the
22 | department receives an unsolicited proposal, the department
23 | shall publish a notice in the Florida Administrative Weekly
24 | and a newspaper of general circulation at least once a week
25 | for 2 weeks stating that the department has received the
26 | proposal and will accept, for 120 ~~60~~ days after the initial
27 | date of publication, other proposals for the same project
28 | purpose. A copy of the notice must be mailed to each local
29 | government in the affected area.

30 | (b) Public-private partnerships shall be qualified by
31 | the department as part of the procurement process as outlined

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1 in the procurement documents, provided such process ensures
2 that the private firm meets at least the minimum department
3 standards for qualification in department rule for
4 professional engineering services and road and bridge
5 contracting prior to submitting a proposal under the
6 procurement.

7 (c) The department shall ensure that procurement
8 documents include provisions for performance of the private
9 entity and payment of subcontractors, including, but not
10 limited to, surety bonds, letters of credit, parent company
11 guarantees, and lender and equity partner guarantees. The
12 department shall balance the structure of the security package
13 for the public-private partnership that ensures performance
14 and payment of subcontractors with the cost of the security to
15 ensure the most efficient pricing.

16 (d) After the public notification period has expired,
17 the department shall rank the proposals in order of
18 preference. In ranking the proposals, the department may
19 consider factors ~~that include, including,~~ but are not limited
20 to, professional qualifications, general business terms,
21 innovative engineering or cost-reduction terms, finance plans,
22 and the need for state funds to deliver the project. If the
23 department is not satisfied with the results of the
24 negotiations, the department may, at its sole discretion,
25 terminate negotiations with the proposer. If these
26 negotiations are unsuccessful, the department may go to the
27 second-ranked and lower-ranked firms, in order, using this
28 same procedure. If only one proposal is received, the
29 department may negotiate in good faith and, if the department
30 is not satisfied with the results of the negotiations, the
31 department may, at its sole discretion, terminate negotiations

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1 with the proposer. Notwithstanding this subsection, the
2 department may, at its discretion, reject all proposals at any
3 point in the process up to completion of a contract with the
4 proposer.

5 (e) The department shall provide an independent
6 analysis of the proposed public-private partnership that
7 demonstrates the cost-effectiveness and overall public benefit
8 at the following times:

- 9 1. Prior to moving forward with the procurement; and
- 10 2. If the procurement moves forward, prior to awarding
11 the contract.

12 (7) The department may lend funds from the Toll
13 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
14 private entities that construct projects on the State Highway
15 System containing toll facilities that are approved under this
16 section. To be eligible, a private entity must comply with s.
17 338.251 and must provide an indication from a nationally
18 recognized rating agency that the senior bonds for the project
19 will be investment grade, or must provide credit support such
20 as a letter of credit or other means acceptable to the
21 department, to ensure that the loans will be fully repaid. The
22 state's liability for the funding of a facility is limited to
23 the amount approved for that specific facility in the
24 department's 5-year work program adopted pursuant to s.
25 339.135.

26 (8) The department may use innovative finance
27 techniques associated with a public-private partnership under
28 this section, including, but not limited to, federal loans as
29 provided in Title 23 and Title 49 of the Code of Federal
30 Regulations, commercial bank loans, and hedges against
31 inflation from commercial banks or other private sources.

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1 (9) The department may enter into public-private
 2 partnership agreements that include extended terms providing
 3 annual payments for performance based on the availability of
 4 service or the facility being open to traffic or based on the
 5 level of traffic using the facility. In addition to other
 6 provisions in this section, the following provisions shall
 7 apply:

8 (a) The annual payments under such agreement shall be
 9 included in the department's tentative work program developed
 10 under s. 339.135 and the long-range transportation plan for
 11 the applicable metropolitan planning organization developed
 12 under s. 339.175. The department shall ensure that annual
 13 payments on multiyear public-private partnership agreements
 14 are prioritized ahead of new capacity projects in the
 15 development and updating of the tentative work program.

16 (b) The annual payments are subject to annual
 17 appropriation by the Legislature as provided in the General
 18 Appropriations Act in support of the first year of the
 19 tentative work program.

20 (10) The department shall provide a summary of new
 21 public-private partnership projects each year as part of the
 22 submittal of the Tentative Work Program pursuant to s.
 23 339.135. This summary shall include identification of planned
 24 funding from the State Transportation Trust Fund beyond the
 25 5-year Tentative Work Program period that are the public
 26 involvement process for project, including discussion of the
 27 planned use of future funds to deliver the project.

28 (11) Prior to entering such agreement where funds are
 29 committed from the State Transportation Trust Fund, the
 30 project must be prioritized as follows:

31 (a) The department, in coordination with the local

1 metropolitan planning organization, shall prioritize projects
2 included in the Strategic Intermodal System 10-year and
3 long-range cost feasible plans.

4 (b) The department, in coordination with the local
5 metropolitan planning organization or local government where
6 there is no metropolitan planning organization, shall
7 prioritize projects, for facilities not on the Strategic
8 Intermodal System, included in the metropolitan planning
9 organization cost feasible transportation improvement plan and
10 long-range transportation plan.

11 (12) Public-private partnership agreements under this
12 section shall be limited to a term not exceeding 50 years.
13 Upon making written findings that an agreement under this
14 section requires a term in excess of 50 years, the secretary
15 of the department may authorize a term of up to 75 years.
16 Agreements under this section shall not have a term in excess
17 of 75 years unless specifically approved by the Legislature.
18 The department shall identify each new project under this
19 section with a term exceeding 75 years in the transmittal
20 letter that accompanies the submittal of the tentative work
21 program to the Governor and the Legislature in accordance with
22 s. 339.135.

23 (13) The department shall ensure that no more than 15
24 percent of total federal and state funding in any given year
25 for the State Transportation Trust Fund shall be obligated
26 collectively for all projects under this section.

27 ~~(8) A fixed-guideway transportation system authorized~~
28 ~~by the department to be wholly or partially within the~~
29 ~~department's right of way pursuant to a lease granted under s.~~
30 ~~337.251 may operate at any safe speed.~~

31 Section 51. Section 338.165, Florida Statutes, is

1 amended to read:

2 338.165 Continuation of tolls.--

3 (1) The department, any transportation or expressway
4 authority or, in the absence of an authority, a county or
5 counties may continue to collect the toll on a
6 revenue-producing project after the discharge of any bond
7 indebtedness related to such project and may increase such
8 toll. All tolls so collected shall first be used to pay the
9 annual cost of the operation, maintenance, and improvement of
10 the toll project.

11 (2) If the revenue-producing project is on the State
12 Highway System, any remaining toll revenue shall be used for
13 the construction, maintenance, or improvement of any road on
14 the State Highway System within the county or counties in
15 which the revenue-producing project is located, except as
16 provided in s. 348.0004.

17 (3) Notwithstanding any other provision of law, the
18 department including the turnpike enterprise shall index toll
19 rates on existing toll facilities to the annual Consumer Price
20 Index or similar inflation indicators. Toll rate adjustments
21 for inflation under this subsection may be made no more
22 frequently than once a year and must be made no less
23 frequently than once every 5 years as necessary to accommodate
24 cash toll rate schedules. Toll rates may be increased beyond
25 these limits as directed by bond documents, covenants, or
26 governing body authorization or pursuant to department
27 administrative rule.

28 ~~(4)(3)~~ Notwithstanding any other law to the contrary,
29 pursuant to s. 11, Art. VII of the State Constitution, and
30 subject to the requirements of subsection (2), the Department
31 of Transportation may request the Division of Bond Finance to

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1 issue bonds secured by toll revenues collected on the
 2 Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East
 3 Expressway, the Navarre Bridge, and the Pinellas Bayway to
 4 fund transportation projects located within the county or
 5 counties in which the project is located and contained in the
 6 adopted work program of the department.

7 ~~(5)(4)~~ If the revenue-producing project is on the
 8 county road system, any remaining toll revenue shall be used
 9 for the construction, maintenance, or improvement of any other
 10 state or county road within the county or counties in which
 11 the revenue-producing project is located, except as provided
 12 in s. 348.0004.

13 ~~(6)(5)~~ Selection of projects on the State Highway
 14 System for construction, maintenance, or improvement with toll
 15 revenues shall be, with the concurrence of the department,
 16 consistent with the Florida Transportation Plan.

17 ~~(7)~~ With the exception of subsection (3), this section
 18 does not apply to the turnpike system as defined under the
 19 Florida Turnpike Enterprise Law.

20 Section 52. Section 338.234, Florida Statutes, is
 21 amended to read:

22 338.234 Granting concessions or selling along the
 23 turnpike system; immunity from taxation.--

24 ~~(1)~~ The department may enter into contracts or
 25 licenses with any person for the sale of services or products
 26 or business opportunities on the turnpike system, or the
 27 turnpike enterprise may sell services, products, or business
 28 opportunities on the turnpike system, which benefit the
 29 traveling public or provide additional revenue to the turnpike
 30 system. Services, business opportunities, and products
 31 authorized to be sold include, but are not limited to, motor

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1 fuel, vehicle towing, and vehicle maintenance services; food
2 with attendant nonalcoholic beverages; lodging, meeting rooms,
3 and other business services opportunities; advertising and
4 other promotional opportunities, which advertising and
5 promotions must be consistent with the dignity and integrity
6 of the state; state lottery tickets sold by authorized
7 retailers; games and amusements that operate by the
8 application of skill, not including games of chance as defined
9 in s. 849.16 or other illegal gambling games; Florida citrus,
10 goods promoting the state, or handmade goods produced within
11 the state; and travel information, tickets, reservations, or
12 other related services. However, the department, pursuant to
13 the grants of authority to the turnpike enterprise under this
14 section, shall not exercise the power of eminent domain solely
15 for the purpose of acquiring real property in order to provide
16 business services or opportunities, such as lodging and
17 meeting-room space on the turnpike system.

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

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1 Section 53. Paragraph (c) of subsection (4) of section
2 348.0003, Florida Statutes, is amended to read:

3 (4)

4 (c) Members of an authority shall be required to
5 comply with the applicable financial disclosure requirements
6 of s. 8, Art. II of the State Constitution ~~ss. 112.3145,~~
7 ~~112.3148, and 112.3149.~~

8 Section 54. Subsection (9) of section 348.0004,
9 Florida Statutes, is amended to read:

10 348.0004 Purposes and powers.--

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

18 (a) Notwithstanding any other provision of the Florida
19 Expressway Authority Act, any expressway authority,
20 transportation authority, bridge authority, or toll authority
21 may receive or solicit proposals and enter into agreements
22 with private entities, or consortia thereof, for the building,
23 operation, ownership, or financing of ~~expressway~~ authority
24 transportation facilities or new transportation facilities
25 within the jurisdiction of the ~~expressway~~ authority which
26 increase transportation capacity. An authority may not sell or
27 lease any transportation facility owned by the authority,
28 without providing the analysis required in s. 334.30(6)(e)2.
29 to the Legislative Budget Commission created pursuant to s.
30 11.90 for review and approval prior to awarding a contract on
31 a lease of an existing toll facility. An ~~expressway~~ authority

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1 is authorized to adopt rules to implement this subsection and
 2 shall, by rule, establish an application fee for the
 3 submission of unsolicited proposals under this subsection. The
 4 fee must be sufficient to pay the costs of evaluating the
 5 proposals. An ~~expressway~~ authority may engage private
 6 consultants to assist in the evaluation. Before approval, an
 7 ~~expressway~~ authority must determine that a proposed project:

- 8 1. Is in the public's best interest.
- 9 2. Would not require state funds to be used unless the
 10 project is on or provides increased mobility on the State
 11 Highway System.
- 12 3. Would have adequate safeguards to ensure that no
 13 additional costs or service disruptions would be realized by
 14 the traveling public and residents ~~citizens~~ of the state in
 15 the event of default or the cancellation of the agreement by
 16 the ~~expressway~~ authority.
- 17 4. Would have adequate safeguards in place to ensure
 18 that the department, the authority, or the private entity has
 19 the opportunity to add capacity to the proposed project and
 20 other transportation facilities serving similar origins and
 21 destinations.
- 22 5. Would be owned by the authority upon completion or
 23 termination of the agreement.

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

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

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

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

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

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

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

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

12 Section 55. Section 348.0012, Florida Statutes, is
 13 amended to read:

14 348.0012 Exemptions from applicability.--The Florida
 15 Expressway Authority Act does not apply:

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

19 (2) To a transportation authority created pursuant to
 20 chapter 349.

21 Section 56. Subsection (6) is added to section
 22 348.754, Florida Statutes, to read:

23 348.754 Purposes and powers.--

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

1 by the governing body of the Orlando-Orange County Expressway
2 Authority pursuant to a resolution or policy.

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

6 1. Be an independent business.

7 2. Be principally domiciled in the Orange County
8 Standard Metropolitan Statistical Area.

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

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

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

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

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

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

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1 2. Waiver of the payment and performance bond.

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

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

28 (e) A small business that has been the successful
29 bidder on six projects for which the payment and performance
30 bond was waived by the authority pursuant to paragraph (a)
31 shall be ineligible to bid on additional projects for which

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1 the payment and performance bond is to be waived. The local
 2 small business may continue to participate in other elements
 3 of the economic development program for local small businesses
 4 as long as it is eligible.

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

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

13 Section 57. Paragraph (a) of subsection (3) of section
 14 163.3177, Florida Statutes, is amended to read:

15 163.3177 Required and optional elements of
 16 comprehensive plan; studies and surveys.--

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

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

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

31 3. Standards to ensure the availability of public

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1 facilities and the adequacy of those facilities including
2 acceptable levels of service.

3 4. Standards for the management of debt.

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

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

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1 Section 58. Section 339.176, Florida Statutes, is
2 amended to read:

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

12 Section 59. Subsection (1) of section 341.828, Florida
13 Statutes, is amended to read:

14 341.828 Permitting.--

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

25 Section 60. Section 2 of chapter 89-383, Laws of
26 Florida, is amended to read:

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

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

31 (2) Any alteration of the physical dimensions or

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1 location of Red Road, the median strip thereof, the land
2 adjacent thereto, or any part of the original composition of
3 the entranceway, including the towers, the walls, and the
4 lampposts.

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

13 Section 61. Subsection (27) is added to section
14 479.01, Florida Statutes, to read:

15 479.01 Definitions.--As used in this chapter, the
16 term:

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

26 Section 62. Section 479.156, Florida Statutes, is
27 created to read:

28 479.156 Wall murals.--Notwithstanding any other
29 provision of this chapter, a municipality or county may permit
30 and regulate wall murals within areas designated by such
31 government. If a municipality or county permits wall murals, a

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

21 Section 63. Section 316.1951, Florida Statutes, is
22 amended to read:

23 316.1951 Parking for certain purposes prohibited; sale
24 of motor vehicles; prohibited acts.--

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

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1 hire, or rental unless the sale, hire, or rental of the motor
 2 vehicle is specifically authorized on such property by
 3 municipal or county regulation ~~and the person is duly licensed~~
 4 ~~as a motor vehicle dealer in accordance with s. 320.27,~~ and
 5 the person is in compliance with all municipal or county
 6 licensing regulations.

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

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

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

29 ~~(5)(4)~~ A law enforcement officer, compliance officer
 30 ~~examiner, license inspector,~~ or supervisor of the department
 31 may cause to be removed at the owner's expense any motor

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

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

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

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

30 (9) A vehicle is subject to immediate removal without
31 warning if it bears a telephone number that has been displayed

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1 on three or more vehicles offered for sale within a 12-month
2 period.

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

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

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

15 Section 64. The Department of Management Services is
16 appropriated spending authority for Fixed Capital Outlay funds
17 up to \$33.5 million to issue bonds for the site development
18 and construction of a First District Court of Appeals facility
19 on a portion of parcel 3 at Capital Circle Office Center. Bond
20 proceeds will be placed in the Public Facilities Financing
21 Trust Fund. The buildings must be constructed using Leadership
22 in Energy and Environmental Design standards for construction.

23 Section 65. This act shall take effect July 1, 2007.

24
25

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29

30 and insert:

31 A bill to be entitled

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

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1 Retirement System; authorizing deductions of
2 amounts owed from certain funds distributed to
3 an M.P.O.; authorizing the governing body of an
4 M.P.O. to file and maintain an action in court
5 to require an employer to remit retirement or
6 social security member contributions or
7 employer matching payments; amending s.
8 121.081, F.S.; providing for M.P.O. officers
9 and staff to claim credit for past service for
10 retirement benefits; amending s. 163.3180,
11 F.S.; authorizing the establishment of a study
12 to evaluate the benefits and barriers of
13 establishing a regional multimodal
14 transportation concurrency district; creating
15 s. 163.3182, F.S.; providing for the creation
16 of transportation concurrency backlog
17 authorities; providing powers and
18 responsibilities of such authorities; providing
19 for transportation concurrency backlog plans;
20 providing for the issuance of revenue bonds for
21 certain purposes; providing for the
22 establishment of a local trust fund within each
23 county or municipality having an identified
24 transportation concurrency backlog; providing
25 exemptions from transportation concurrency
26 requirements; providing for the satisfaction of
27 concurrency requirements; providing for
28 dissolution of transportation concurrency
29 backlog authorities; amending s. 163.3191,
30 F.S.; exempting from a prohibition on plan
31 amendments certain amendments to local

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1 comprehensive plans concerning the integration
2 of port master plans; amending s. 212.055,
3 F.S.; deleting a provision prohibiting a school
4 district, county, or municipality from issuing
5 bonds more than once each year pledging the
6 proceeds of certain discretionary taxes;
7 amending s. 215.615, F.S.; revising the
8 Department of Transportation's requirement to
9 share certain costs of fixed-guideway system
10 projects; revising criteria for an interlocal
11 agreement to establish bond financing for
12 fixed-guideway system projects; revising
13 provisions for sources of funds for the payment
14 of bonds; amending s. 311.22, F.S.; revising
15 funding for certain dredging projects; amending
16 s. 316.2123, F.S.; authorizing a county to
17 designate certain unpaved roadways where an ATV
18 may be operated; providing conditions for such
19 operation; amending s. 316.605, F.S.; providing
20 height and placement requirements for vehicle
21 license plates; prohibiting display that
22 obscures identification of the letters and
23 numbers on a license plate; providing
24 penalties; amending s. 316.650, F.S.; revising
25 procedures for disposition of citations issued
26 for failure to pay toll; providing that the
27 citation will not be submitted to the court and
28 no points will be assessed on the driver's
29 license if the person cited elects to make
30 payment directly to the governmental entity
31 that issued the citation; providing for

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1 reporting of the citation by the governmental
2 entity to the Department of Highway Safety and
3 Motor Vehicles; amending s. 318.14, F.S.;
4 providing for the amount required to be paid
5 under certain procedures for disposition of a
6 citation issued for failure to pay toll;
7 providing for the person cited to request a
8 court hearing; amending s. 318.18, F.S.;
9 revising penalties for failure to pay a
10 prescribed toll; providing for disposition of
11 amounts received by the clerk of court;
12 removing procedures for withholding of
13 adjudication; providing for suspension of a
14 driver's license under certain circumstances;
15 revising authorized uses of revenue received by
16 a county from a certain surcharge; revising
17 penalty provisions to provide for certain
18 criminal penalties; imposing a surcharge to be
19 paid for specified traffic-related criminal
20 offenses and all moving traffic violations;
21 providing for distribution of the proceeds of
22 the surcharge to be used for the state agency
23 law enforcement radio system; providing for
24 future expiration; amending s. 318.21, F.S.;
25 revising distribution provisions to provide for
26 distribution of the surcharge; providing for
27 future expiration; amending s. 320.061, F.S.;
28 prohibiting interfering with the legibility,
29 angular visibility, or detectability of any
30 feature or detail on a license plate or
31 interfering with the ability to photograph or

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1 otherwise record any feature or detail on a
2 license plate; providing penalties; repealing
3 second paragraph contained in Specific
4 Appropriation 2188 of the 2007-2008 General
5 Appropriations Act; amending s. 332.007, F.S.;
6 authorizing the Department of Transportation to
7 provide funds for certain general aviation
8 projects under certain circumstances; extending
9 the timeframe that the department is authorized
10 to provide operational and maintenance
11 assistance to certain airports and may redirect
12 the use of certain funds to security-related or
13 economic-impact projects related to the events
14 of September 11, 2001; amending s. 332.14,
15 F.S.; providing that certain members of the
16 Secure Airports for Florida's Economy Council
17 shall be nonvoting members; authorizing certain
18 members to overrule certain actions of the
19 council; amending s. 334.351, F.S.; requiring
20 nonprofit youth organizations that contract
21 with the Department of Transportation for the
22 purpose of operating youth work experience
23 programs to certify that the program
24 participants are residents of the state and
25 possess valid identification; specifying
26 criteria for the department to consider in
27 awarding contracts to such organizations;
28 requiring that the nonprofit youth
29 organizations submit certain reports and audits
30 to the department and demonstrate participation
31 in a peer assessment or review process;

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1 amending s. 336.025, F.S.; deleting a
2 prohibition against local governments issuing
3 certain bonds secured by revenues from local
4 option fuel taxes more than once a year;
5 amending s. 336.41, F.S.; revising an exception
6 to competitive-bid requirements for certain
7 county road construction and reconstruction
8 projects; increasing the value threshold under
9 which the exception applies; defining the term
10 "construction aggregate materials"; providing
11 legislative intent; prohibiting a local
12 government from approving or denying a land use
13 zoning change, comprehensive plan amendment,
14 land use permit, ordinance, or order regarding
15 construction aggregate materials without
16 considering information provided by the
17 Department of Transportation and considering
18 the effect of such decision; prohibiting an
19 agency from imposing a moratorium on the mining
20 and extraction of construction aggregate
21 materials of longer than a specified period;
22 providing that limerock environmental resource
23 permitting and reclamation applications are
24 eligible to be expedited; establishing the
25 Strategic Aggregates Review Task Force;
26 providing for membership, staffing, reporting,
27 and expiration; providing for support and the
28 coordination of data and information for the
29 task force; requiring that the task force
30 report its findings to the Governor and the
31 Legislature; providing report requirements;

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1 providing for the dissolution of the task
2 force; creating s. 337.026, F.S.; authorizing
3 the Department of Transportation to pursue
4 procurement techniques relating to construction
5 aggregate materials; authorizing the department
6 to enter into agreements for construction
7 aggregate materials; providing exceptions;
8 providing requirements for such exceptions;
9 amending s. 337.11, F.S.; providing that
10 certain construction projects be advertised for
11 bids in local newspapers; amending s. 337.14,
12 F.S.; authorizing the department to waive
13 specified prequalification requirements for
14 certain transportation projects under certain
15 conditions; amending s. 337.18, F.S.; revising
16 surety bond requirements for construction or
17 maintenance contracts; providing for
18 incremental annual surety bonds for multiyear
19 maintenance contracts under certain conditions;
20 revising the threshold for transportation
21 projects eligible for a waiver of surety bond
22 requirements; authorizing the department to
23 provide for phased surety bond coverage or an
24 alternate means of security for a portion of
25 the contract amount in lieu of the surety bond;
26 amending s. 338.161, F.S.; providing for the
27 Department of Transportation and certain toll
28 agencies to enter into agreements with public
29 or private entities for additional uses of
30 electronic toll collection products and
31 services; authorizing feasibility studies by

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1 the department or a toll agency of additional
2 uses of electronic toll devices for legislative
3 consideration; amending s. 338.2275, F.S.;
4 raising the limit on outstanding bonds to fund
5 turnpike projects; removing a provision
6 authorizing the department to acquire the
7 Sawgrass Expressway from the Broward County
8 Expressway Authority; amending s. 338.231,
9 F.S.; extending the timeframe for application
10 of requirement that the department program in
11 the tentative work program certain funds
12 relative to the share of toll collections
13 attributable to users of the turnpike system in
14 certain areas; removing a reference to conform;
15 amending s. 339.08, F.S.; allowing moneys in
16 the State Transportation Trust Fund to be used
17 to pay the cost of the Enhanced Bridge Program
18 for Sustainable Transportation; authorizing the
19 department to use funds for certain
20 circumstances; amending s. 339.175, F.S.;
21 revising intent; providing the method of
22 creation and operation of M.P.O.'s required to
23 be designated pursuant to federal law;
24 specifying that an M.P.O. is separate from the
25 state or the governing body of a local
26 government that is represented on the governing
27 board of the M.P.O. or that is a signatory to
28 the interlocal agreement creating the M.P.O.;
29 providing specified powers and privileges to
30 the M.P.O.; providing for the designation and
31 duties of certain officials; revising

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1 requirements for voting membership; defining
2 the term "elected officials of a
3 general-purpose local government" to exclude
4 certain constitutional officers for voting
5 membership purposes; providing for the
6 appointment of alternates and advisers;
7 providing that members of an M.P.O. technical
8 advisory committee shall serve at the pleasure
9 of the M.P.O.; providing for the appointment of
10 an executive or staff director and other
11 personnel; authorizing an M.P.O. to enter into
12 contracts with public or private entities to
13 accomplish its duties and functions; providing
14 for the training of certain persons who serve
15 on an M.P.O. for certain purposes; requiring
16 that certain plans, programs, and amendments
17 that affect projects be approved by each M.P.O.
18 on a recorded roll call vote, or hand-counted
19 vote, of a majority of the membership present;
20 amending s. 339.2819, F.S.; revising the share
21 of matching funds for a public transportation
22 project provided from the Transportation
23 Regional Incentive Program; creating s.
24 339.282, F.S.; providing legislative findings;
25 providing that property owners or developers
26 who voluntarily contribute right-of-way and
27 physically construct or expand a state
28 transportation facility or segment may receive
29 certain credits against any future
30 transportation concurrency requirements under
31 certain conditions; creating s. 339.285, F.S.;

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1 creating the Enhanced Bridge Program for
2 Sustainable Transportation within the
3 Department of Transportation; providing for the
4 use of funds in the program; providing project
5 guidelines for program funding; amending s.
6 339.55, F.S.; providing for the use of State
7 Infrastructure Bank loans for certain damaged
8 transportation facilities in areas officially
9 declared to be in a state of emergency;
10 providing criteria; amending s. 339.63, F.S.;
11 specifying criteria for types of facilities of
12 the Strategic Intermodal System and the
13 Emerging Strategic Intermodal System; directing
14 the Department of Transportation to designate
15 facilities to an intermodal system based on the
16 criteria; directing the Secretary of
17 Transportation to designate airports meeting
18 specified criteria as part of the Strategic
19 Intermodal System; amending s. 341.071, F.S.;
20 requiring certain public transit providers to
21 annually report potential productivity and
22 performance enhancements; amending s. 343.81,
23 F.S.; prohibiting elected officials from
24 serving on the Northwest Florida Transportation
25 Corridor Authority; providing for application
26 of the prohibition to apply to persons
27 appointed to serve on the authority after a
28 certain date; amending s. 343.82, F.S.;
29 directing the authority to plan for and study
30 the feasibility of constructing, operating, and
31 maintaining a bridge or bridges, and

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1 appurtenant structures, spanning Choctawhatchee
2 Bay or Santa Rosa Sound; authorizing the
3 authority to construct, operate, and maintain
4 said bridges and structures; amending s.
5 334.30, F.S.; authorizing the Department of
6 Transportation to advance certain projects in
7 the Strategic Intermodal System Plan using
8 funds provided by public-private partnerships
9 or private entities; providing criteria for
10 such leasing agreements; providing that
11 procurements of public-private partnerships are
12 not subject to specified provisions unless they
13 are part of the procurement agreement or the
14 public-private agreement; extending the
15 unsolicited private proposal advertisement
16 period; providing criteria for qualification of
17 public-private partnerships as part of the
18 procurement process; providing for certain
19 innovative financing techniques for
20 public-private partnerships; authorizing the
21 department to enter into public-private
22 partnership agreements that include extended
23 terms under certain conditions; requiring the
24 department to provide a summary of new
25 public-private partnerships under certain
26 conditions; requiring certain projects to be
27 prioritized for selection; providing
28 public-private partnership agreement term
29 limits; limiting the amount of certain funds
30 that may be obligated for public-private
31 projects; removing a provision for the speed of

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1 a certain fixed-guideway transportation system;
2 amending s. 338.165, F.S.; providing for toll
3 rate increases that are tied to certain
4 inflation indicators; providing for increases
5 beyond inflation amounts; amending s. 338.234,
6 F.S.; granting the Florida Turnpike Enterprise,
7 its lessees, and licensees an exemption from
8 paying commercial rental tax on capital
9 improvements; amending s. 348.0003, F.S.;

10 revising members' financial disclosure
11 requirements; amending s. 348.0004, F.S.;

12 authorizing certain transportation-related
13 authorities to enter into agreements with
14 private entities for the building, operation,
15 ownership, or financing of transportation
16 facilities; amending s. 348.0012, F.S.;

17 revising provisions for certain exemptions from
18 the Florida Expressway Authority Act; amending
19 s. 348.754, F.S.; authorizing the
20 Orlando-Orange County Expressway Authority to
21 waive payment and performance bonds on certain
22 construction contracts if the contract is
23 awarded pursuant to an economic development
24 program for the encouragement of local small
25 businesses; providing criteria for
26 participation in the program; providing
27 criteria for the bond waiver; providing for
28 certain determinations by the authority's
29 executive director or a designee as to the
30 suitability of a project; providing for certain
31 payment obligations if a payment and

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1 performance bond is waived; requiring the
2 authority to record notice of the obligation;
3 limiting eligibility to bid on the projects;
4 providing for the authority to conduct bond
5 eligibility training for certain businesses;
6 requiring the authority to submit biennial
7 reports to the Orange County legislative
8 delegation; amending ss. 163.3177, 339.176, and
9 341.828, F.S.; correcting cross-references;
10 amending s. 2, ch. 89-383, Laws of Florida;
11 providing for certain alterations to and along
12 Red Road in Miami-Dade County for
13 transportation safety purposes; amending s.
14 479.01, F.S.; defining the term "wall mural";
15 creating s. 479.156, F.S.; providing for the
16 regulation of wall murals by municipalities and
17 counties; requiring that certain wall murals be
18 located in areas zoned for industrial or
19 commercial use; requiring that the local
20 regulation of wall murals be consistent with
21 specified criteria; requiring the Department of
22 Transportation to approve a wall mural under
23 certain conditions; amending s. 316.1951, F.S.;
24 revising provisions relating to parking
25 vehicles on public property for the purpose of
26 displaying the vehicles for sale, hire, or
27 rental; providing exceptions; prohibiting
28 certain acts in the sale of motor vehicles;
29 providing the Department of Management Services
30 authority to issue bonds for the site
31 development and construction of a First

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1 | District Court of Appeals facility at a
2 | specified location; providing an effective
3 | date.
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