

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

Barcode 741546

	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

Barcode 741546

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

Barcode 741546

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

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

Barcode 741546

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.

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

Barcode 741546

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.

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

Barcode 741546

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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

Barcode 741546

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.--

Barcode 741546

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.

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

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

13 163.3182 Transportation concurrency backlogs.--

14 (1) DEFINITIONS.--For purposes of this section, the
 15 term:

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

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

29 (c) "Governing body" means the council, commission, or
 30 other legislative body charged with governing the county or
 31 municipality within which a transportation concurrency backlog

1 authority is created pursuant to this section.

2 (d) "Transportation concurrency backlog" means an
3 identified deficiency where the existing extent of traffic
4 volume exceeds the level of service standard adopted in a
5 local government comprehensive plan for a transportation
6 facility.

7 (e) "Transportation concurrency backlog plan" means
8 the plan adopted as part of a local government comprehensive
9 plan by the governing body of a county or municipality acting
10 as a transportation concurrency backlog authority.

11 (f) "Transportation concurrency backlog project" means
12 any designated transportation project identified for
13 construction within the jurisdiction of a transportation
14 construction backlog authority.

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

17 (h) "Increment revenue" means the amount calculated
18 pursuant to subsection (5).

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

23 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
24 AUTHORITIES.--

25 (a) A county or municipality may create a
26 transportation concurrency backlog authority if it has an
27 identified transportation concurrency backlog.

28 (b) Acting as the transportation concurrency backlog
29 authority within the authority's jurisdictional boundary, the
30 governing body of a county or municipality shall adopt and
31 implement a plan to eliminate all identified transportation

1 concurrency backlogs within the authority's jurisdiction using
2 funds provided pursuant to subsection (5) and as otherwise
3 provided pursuant to this section.

4 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
5 AUTHORITY.--Each transportation concurrency backlog authority
6 has the powers necessary or convenient to carry out the
7 purposes of this section, including the following powers in
8 addition to others granted in this section:

9 (a) To make and execute contracts and other
10 instruments necessary or convenient to the exercise of its
11 powers under this section.

12 (b) To undertake and carry out transportation
13 concurrency backlog projects for transportation facilities
14 that have a concurrency backlog within the authority's
15 jurisdiction. Concurrency backlog projects may include
16 transportation facilities that provide for alternative modes
17 of travel including sidewalks, bikeways, and mass transit
18 which are related to a backlogged transportation facility.

19 (c) To invest any transportation concurrency backlog
20 funds held in reserve, sinking funds, or any such funds not
21 required for immediate disbursement in property or securities
22 in which savings banks may legally invest funds subject to the
23 control of the authority and to redeem such bonds as have been
24 issued pursuant to this section at the redemption price
25 established therein, or to purchase such bonds at less than
26 redemption price. All such bonds redeemed or purchased shall
27 be canceled.

28 (d) To borrow money, apply for and accept advances,
29 loans, grants, contributions, and any other forms of financial
30 assistance from the Federal Government or the state, county,
31 or any other public body or from any sources, public or

Barcode 741546

1 private, for the purposes of this part, to give such security
 2 as may be required, to enter into and carry out contracts or
 3 agreements, and to include in any contracts for financial
 4 assistance with the Federal Government for or with respect to
 5 a transportation concurrency backlog project and related
 6 activities such conditions imposed pursuant to federal laws as
 7 the transportation concurrency backlog authority considers
 8 reasonable and appropriate and which are not inconsistent with
 9 the purposes of this section.

10 (e) To make or have made all surveys and plans
 11 necessary to the carrying out of the purposes of this section,
 12 to contract with any persons, public or private, in making and
 13 carrying out such plans, and to adopt, approve, modify, or
 14 amend such transportation concurrency backlog plans.

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

20 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

21 (a) Each transportation concurrency backlog authority
 22 shall adopt a transportation concurrency backlog plan as a
 23 part of the local government comprehensive plan within 6
 24 months after the creation of the authority. The plan shall:

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

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

Barcode 741546

1 3. Establish a schedule for financing and construction
 2 of transportation concurrency backlog projects that will
 3 eliminate transportation concurrency backlogs within the
 4 jurisdiction of the authority within 10 years after the
 5 transportation concurrency backlog plan adoption. The schedule
 6 shall be adopted as part of the local government comprehensive
 7 plan.

8 (b) The adoption of the transportation concurrency
 9 backlog plan shall be exempt from the provisions of s.
 10 163.3187(1).

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

23 (a) The amount of ad valorem tax levied each year by
 24 each taxing authority, exclusive of any amount from any debt
 25 service millage, on taxable real property contained within the
 26 jurisdiction of the transportation concurrency backlog
 27 authority and within the transportation backlog area; and

28 (b) The amount of ad valorem taxes which would have
 29 been produced by the rate upon which the tax is levied each
 30 year by or for each taxing authority, exclusive of any debt
 31 service millage, upon the total of the assessed value of the

1 taxable real property within the transportation concurrency
 2 backlog area as shown on the most recent assessment roll used
 3 in connection with the taxation of such property of each
 4 taxing authority prior to the effective date of the ordinance
 5 funding the trust fund.

6 (6) EXEMPTIONS.--

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

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

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

17 3. A library district.

18 4. A neighborhood improvement district created under
 19 the Safe Neighborhoods Act.

20 5. A metropolitan transportation authority.

21 6. A water management district created under s.
 22 373.069.

23 7. A community redevelopment agency.

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

28 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
 29 adoption of a transportation concurrency backlog plan as a
 30 part of the local government comprehensive plan, and the plan
 31 going into effect, the area subject to the plan shall be

1 deemed to have achieved and maintained transportation level of
 2 service standards, and to have met requirements for financial
 3 feasibility for transportation facilities, and for the purpose
 4 of proposed development transportation concurrency has been
 5 satisfied. Proportionate fair share mitigation shall be
 6 limited to ensure that a development inside a transportation
 7 concurrency backlog area is not responsible for the additional
 8 costs of eliminating backlogs.

9 (8) DISSOLUTION.--Upon completion of all
 10 transportation concurrency backlog projects, a transportation
 11 concurrency backlog authority shall be dissolved and its
 12 assets and liabilities shall be transferred to the county or
 13 municipality within which the authority is located. All
 14 remaining assets of the authority must be used for
 15 implementation of transportation projects within the
 16 jurisdiction of the authority. The local government
 17 comprehensive plan shall be amended to remove the
 18 transportation concurrency backlog plan.

19 Section 12. Subsection (1) and paragraph (e) of
 20 subsection (2) of section 212.055, Florida Statutes, are
 21 amended to read:

22 212.055 Discretionary sales surtaxes; legislative
 23 intent; authorization and use of proceeds.--It is the
 24 legislative intent that any authorization for imposition of a
 25 discretionary sales surtax shall be published in the Florida
 26 Statutes as a subsection of this section, irrespective of the
 27 duration of the levy. Each enactment shall specify the types
 28 of counties authorized to levy; the rate or rates which may be
 29 imposed; the maximum length of time the surtax may be imposed,
 30 if any; the procedure which must be followed to secure voter
 31 approval, if required; the purpose for which the proceeds may

Barcode 741546

1 be expended; and such other requirements as the Legislature
2 may provide. Taxable transactions and administrative
3 procedures shall be as provided in s. 212.054.

4 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM
5 SURTAX.--

6 (a) Each charter county that has ~~which~~ adopted a
7 charter ~~prior to January 1, 1984~~, and each county the
8 government of which is consolidated with that of one or more
9 municipalities, may levy a discretionary sales surtax, subject
10 to approval by a majority vote of the electorate of the county
11 or by a charter amendment approved by a majority vote of the
12 electorate of the county.

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

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

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

22 1. Deposited by the county in the trust fund and shall
23 be used for the purposes of development, construction,
24 equipment, maintenance, operation, supportive services,
25 including a countywide bus system, and related costs of a
26 fixed guideway rapid transit system;

27 2. Remitted by the governing body of the county to an
28 expressway, transit, or transportation authority created by
29 law to be used, at the discretion of such authority, for the
30 development, construction, operation, or maintenance of roads
31 or bridges in the county, for the operation and maintenance of

Barcode 741546

1 a bus system, for the payment of principal and interest on
 2 existing bonds issued for the construction of such roads or
 3 bridges, and, upon approval by the county commission, such
 4 proceeds may be pledged for bonds issued to refinance existing
 5 bonds or new bonds issued for the construction of such roads
 6 or bridges;

7 3. Used by the charter county for the development,
 8 construction, operation, and maintenance of roads and bridges
 9 in the county; for the expansion, operation, and maintenance
 10 of bus and fixed guideway systems; and for the payment of
 11 principal and interest on bonds issued for the construction of
 12 fixed guideway rapid transit systems, bus systems, roads, or
 13 bridges; and such proceeds may be pledged by the governing
 14 body of the county for bonds issued to refinance existing
 15 bonds or new bonds issued for the construction of such fixed
 16 guideway rapid transit systems, bus systems, roads, or bridges
 17 and no more than 25 percent used for nontransit uses; and

18 4. Used by the charter county for the planning,
 19 development, construction, operation, and maintenance of roads
 20 and bridges in the county; for the planning, development,
 21 expansion, operation, and maintenance of bus and fixed
 22 guideway systems; and for the payment of principal and
 23 interest on bonds issued for the construction of fixed
 24 guideway rapid transit systems, bus systems, roads, or
 25 bridges; and such proceeds may be pledged by the governing
 26 body of the county for bonds issued to refinance existing
 27 bonds or new bonds issued for the construction of such fixed
 28 guideway rapid transit systems, bus systems, roads, or
 29 bridges. Pursuant to an interlocal agreement entered into
 30 pursuant to chapter 163, the governing body of the charter
 31 county may distribute proceeds from the tax to a municipality,

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

Barcode 741546

1 or an expressway or transportation authority created by law to
2 be expended for the purpose authorized by this paragraph.

3 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

4 (e) School districts, counties, and municipalities
5 receiving proceeds under the provisions of this subsection may
6 pledge such proceeds for the purpose of servicing new bond
7 indebtedness incurred pursuant to law. Local governments may
8 use the services of the Division of Bond Finance of the State
9 Board of Administration pursuant to the State Bond Act to
10 issue any bonds through the provisions of this subsection. ~~In~~
11 ~~no case may a jurisdiction issue bonds pursuant to this~~
12 ~~subsection more frequently than once per year.~~ Counties and
13 municipalities may join together for the issuance of bonds
14 authorized by this subsection.

15 Section 13. Subsection (1) of section 215.615, Florida
16 Statutes, is amended to read:

17 215.615 Fixed-guideway transportation systems
18 funding.--

19 (1) The issuance of revenue bonds by the Division of
20 Bond Finance, on behalf of the Department of Transportation,
21 pursuant to s. 11, Art. VII of the State Constitution, is
22 authorized, pursuant to the State Bond Act, to finance or
23 refinance fixed capital expenditures for fixed-guideway
24 transportation systems, as defined in s. 341.031, including
25 facilities appurtenant thereto, costs of issuance, and other
26 amounts relating to such financing or refinancing. ~~Such~~
27 ~~revenue bonds shall be matched on a 50-50 basis with funds~~
28 ~~from sources other than revenues of the Department of~~
29 ~~Transportation, in a manner acceptable to the Department of~~
30 ~~Transportation.~~ The Division of Bond Finance is authorized to
31 consider innovative financing techniques, ~~technologies~~ which

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

Barcode 741546

1 may include, but are not limited to, innovative bidding and
 2 structures of potential financings ~~findings~~ that may result in
 3 negotiated transactions. The following conditions apply to the
 4 issuance of revenue bonds for fixed-guideway transportation
 5 systems:

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

30 (b) Revenue bonds issued pursuant to this subsection
 31 shall not constitute a general obligation of, or a pledge of

Barcode 741546

1 the full faith and credit of, the State of Florida. Bonds
 2 issued pursuant to this section shall be payable from funds
 3 available pursuant to s. 206.46(3), or other funds available
 4 to the project, subject to annual appropriation. The amount of
 5 revenues available for debt service shall never exceed a
 6 maximum of 2 percent of all state revenues deposited into the
 7 State Transportation Trust Fund.

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

18 (d) Any complaint for validation of bonds issued
 19 pursuant to this section shall be filed in the circuit court
 20 of the county where the seat of state government is situated,
 21 the notice required to be published by s. 75.06 shall be
 22 published only in the county where the complaint is filed, and
 23 the complaint and order of the circuit court shall be served
 24 only on the state attorney of the circuit in which the action
 25 is pending.

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

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

Barcode 741546

1 (f) This subsection supersedes any inconsistent
2 provisions in existing law.

3
4 Notwithstanding this subsection, the lien of revenue bonds
5 issued pursuant to this subsection on moneys deposited into
6 the State Transportation Trust Fund shall be subordinate to
7 the lien on such moneys of bonds issued under ss. 215.605,
8 320.20, and 215.616, and any pledge of such moneys to pay
9 operating and maintenance expenses under s. 206.46(5) and
10 chapter 348, as may be amended.

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

13 311.22 Additional authorization for funding certain
14 dredging projects.--

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

26 Section 15. Section 316.2123, Florida Statutes, is
27 amended to read:

28 316.2123 Operation of an ATV on certain roadways.--

29 (1) The operation of an ATV, as defined in s.
30 317.0003, upon the public roads or streets of this state is
31 prohibited, except that an ATV may be operated during the

Barcode 741546

1 daytime on an unpaved roadway where the posted speed limit is
 2 less than 35 miles per hour ~~by a licensed driver or by a minor~~
 3 ~~under the supervision of a licensed driver. The operator must~~
 4 ~~provide proof of ownership pursuant to chapter 317 upon~~
 5 ~~request by a law enforcement officer.~~

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

15 (3) Any ATV operation that is permitted under
 16 subsection (1) or subsection (2) may be undertaken only by a
 17 licensed driver or a minor who is under the direct supervision
 18 of a licensed driver. The operator must provide proof of
 19 ownership under chapter 317 upon the request of a law
 20 enforcement officer.

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

23 316.605 Licensing of vehicles.--

24 (1) Every vehicle, at all times while driven, stopped,
 25 or parked upon any highways, roads, or streets of this state,
 26 shall be licensed in the name of the owner thereof in
 27 accordance with the laws of this state unless such vehicle is
 28 not required by the laws of this state to be licensed in this
 29 state and shall, except as otherwise provided in s. 320.0706
 30 for front-end registration license plates on truck tractors
 31 and s. 320.086(5) which exempts display of license plates on

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

Barcode 741546

1 described former military vehicles, display the license plate
2 or both of the license plates assigned to it by the state, one
3 on the rear and, if two, the other on the front of the
4 vehicle, each to be securely fastened to the vehicle outside
5 the main body of the vehicle not higher than 60 inches and not
6 lower than 12 inches from the ground and no more than 24
7 inches to the left or right of the centerline of the vehicle,
8 and in such manner as to prevent the plates from swinging, and
9 all letters, numerals, printing, writing, and other
10 identification marks upon the plates regarding the word
11 "Florida," the registration decal, and the alphanumeric
12 designation shall be clear and distinct and free from
13 defacement, mutilation, grease, and other obscuring matter, so
14 that they will be plainly visible and legible at all times 100
15 feet from the rear or front. Vehicle license plates shall be
16 affixed and displayed in such a manner that the letters and
17 numerals shall be read from left to right parallel to the
18 ground. No vehicle license plate may be displayed in an
19 inverted or reversed position or in such a manner that the
20 letters and numbers and their proper sequence are not readily
21 identifiable. Nothing shall be placed upon the face of a
22 Florida plate except as permitted by law or by rule or
23 regulation of a governmental agency. No license plates other
24 than those furnished by the state shall be used. However, if
25 the vehicle is not required to be licensed in this state, the
26 license plates on such vehicle issued by another state, by a
27 territory, possession, or district of the United States, or by
28 a foreign country, substantially complying with the provisions
29 hereof, shall be considered as complying with this chapter. A
30 violation of this subsection is a noncriminal traffic
31 infraction, punishable as a nonmoving violation as provided in

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

Barcode 741546

1 chapter 318.

2 Section 17. Paragraph (b) of subsection (3) of section
3 316.650, Florida Statutes, is amended to read:

4 316.650 Traffic citations.--

5 (3)

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

26 Section 18. Subsection (12) of section 318.14, Florida
27 Statutes, is amended to read:

28 318.14 Noncriminal traffic infractions; exception;
29 procedures.--

30 (12) Any person cited for a violation of s. 316.1001
31 may, in lieu of making an election as set forth in subsection

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

Barcode 741546

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

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

21 318.18 Amount of ~~civil~~ penalties.--The penalties
22 required for a noncriminal disposition pursuant to s. 318.14
23 or a criminal offense listed in s. 318.17 are as follows:

- 24 (1) Fifteen dollars for:
 - 25 (a) All infractions of pedestrian regulations.
 - 26 (b) All infractions of s. 316.2065, unless otherwise
 - 27 specified.
 - 28 (c) Other violations of chapter 316 by persons 14
 - 29 years of age or under who are operating bicycles, regardless
 - 30 of the noncriminal traffic infraction's classification.

31 (2) Thirty dollars for all nonmoving traffic

Barcode 741546

1 | violations and:

2 | (a) For all violations of s. 322.19.

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

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

19 | 2. If a person who is cited for a violation of s.
20 | 322.03, s. 322.065, or s. 322.15 can show a driver's license
21 | issued to him or her and valid at the time of arrest, the
22 | clerk of the court may dismiss the case and may assess a
23 | dismissal fee of up to \$7.50.

24 | 3. If a person who is cited for a violation of s.
25 | 316.646 can show proof of security as required by s. 627.733,
26 | issued to the person and valid at the time of arrest, the
27 | clerk of the court may dismiss the case and may assess a
28 | dismissal fee of up to \$7.50. A person who finds it impossible
29 | or impractical to obtain proof of security must submit an
30 | affidavit detailing the reasons for the impracticality. The
31 | reasons may include, but are not limited to, the fact that the

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

Barcode 741546

1 vehicle has since been sold, stolen, or destroyed; that the
 2 owner or registrant of the vehicle is not required by s.
 3 627.733 to maintain personal injury protection insurance; or
 4 that the vehicle is owned by another person.

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

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

18 (3)(a) Except as otherwise provided in this section,
 19 \$60 for all moving violations not requiring a mandatory
 20 appearance.

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

23

For speed exceeding the limit by:	Fine:
24 1-5 m.p.h.....	Warning
25 6-9 m.p.h.....	\$25
26 10-14 m.p.h.....	\$100
27 15-19 m.p.h.....	\$125
28 20-29 m.p.h.....	\$150
29 30 m.p.h. and above.....	\$250

30 (c) Notwithstanding paragraph (b), a person cited for
 31

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

Barcode 741546

1 | exceeding the speed limit by up to 5 m.p.h. in a legally
2 | posted school zone will be fined \$50. A person exceeding the
3 | speed limit in a school zone shall pay a fine double the
4 | amount listed in paragraph (b).

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

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

19 | (f) If a violation of s. 316.1301 or s. 316.1303
20 | results in an injury to the pedestrian or damage to the
21 | property of the pedestrian, an additional fine of up to \$250
22 | shall be paid. This amount must be distributed pursuant to s.
23 | 318.21.

24 | (g) A person cited for exceeding the speed limit
25 | within a zone posted for any electronic or manual toll
26 | collection facility shall pay a fine double the amount listed
27 | in paragraph (b). However, no person cited for exceeding the
28 | speed limit in any toll collection zone shall be subject to a
29 | doubled fine unless the governmental entity or authority
30 | controlling the toll collection zone first installs a traffic
31 | control device providing warning that speeding fines are

Barcode 741546

1 | doubled. Any such traffic control device must meet the
2 | requirements of the uniform system of traffic control devices.

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

17 | 1. Fifty percent shall be allocated equally among all
18 | Level I, Level II, and pediatric trauma centers in recognition
19 | of readiness costs for maintaining trauma services.

20 | 2. Fifty percent shall be allocated among Level I,
21 | Level II, and pediatric trauma centers based on each center's
22 | relative volume of trauma cases as reported in the Department
23 | of Health Trauma Registry.

24 | (4) The penalty imposed under s. 316.545 shall be
25 | determined by the officer in accordance with the provisions of
26 | ss. 316.535 and 316.545.

27 | (5)(a) One hundred dollars for a violation of s.
28 | 316.172(1)(a), failure to stop for a school bus. If, at a
29 | hearing, the alleged offender is found to have committed this
30 | offense, the court shall impose a minimum civil penalty of
31 | \$100. In addition to this penalty, for a second or subsequent

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

Barcode 741546

1 offense within a period of 5 years, the department shall
2 suspend the driver's license of the person for not less than
3 90 days and not more than 6 months.

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

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

Barcode 741546

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

30 (8)(a) Any person who fails to comply with the court's
31 requirements or who fails to pay the civil penalties specified

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

Barcode 741546

1 in this section within the 30-day period provided for in s.
2 318.14 must pay an additional civil penalty of \$12, \$2.50 of
3 which must be remitted to the Department of Revenue for
4 deposit in the General Revenue Fund, and \$9.50 of which must
5 be remitted to the Department of Revenue for deposit in the
6 Highway Safety Operating Trust Fund. The department shall
7 contract with the Florida Association of Court Clerks, Inc.,
8 to design, establish, operate, upgrade, and maintain an
9 automated statewide Uniform Traffic Citation Accounting System
10 to be operated by the clerks of the court which shall include,
11 but not be limited to, the accounting for traffic infractions
12 by type, a record of the disposition of the citations, and an
13 accounting system for the fines assessed and the subsequent
14 fine amounts paid to the clerks of the court. On or before
15 December 1, 2001, the clerks of the court must provide the
16 information required by this chapter to be transmitted to the
17 department by electronic transmission pursuant to the
18 contract.

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

Barcode 741546

1 authorized to satisfy such civil penalties by public works or
2 community service in the same manner.

3 (c) If the noncriminal infraction has caused or
4 resulted in the death of another, the person who committed the
5 infraction may perform 120 community service hours under s.
6 316.027(4), in addition to any other penalties.

7 (9) One hundred dollars for a violation of s.
8 316.1575.

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

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

- 15
- 16 For pedestrian infractions.....\$ 3.
- 17 For nonmoving traffic infractions.....\$ 16.
- 18 For moving traffic infractions.....\$ 30.
- 19

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

- 26 1. Chapter 87-423, Laws of Florida, for Brevard
- 27 County.
- 28 2. Chapter 89-521, Laws of Florida, for Bay County.
- 29 3. Chapter 94-444, Laws of Florida, for Alachua
- 30 County.
- 31 4. Chapter 97-333, Laws of Florida, for Pinellas

1 County.

2

3 Funds collected by the clerk pursuant to this paragraph shall
4 be distributed to the centers authorized by those special
5 acts.

6 (c) In addition to the court cost required under
7 paragraph (a), a \$2.50 court cost must be paid for each
8 infraction to be distributed by the clerk to the county to
9 help pay for criminal justice education and training programs
10 pursuant to s. 938.15. Funds from the distribution to the
11 county not directed by the county to fund these centers or
12 programs shall be retained by the clerk and used for funding
13 the court-related services of the clerk.

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

19 (12) Two hundred dollars for a violation of s.
20 316.520(1) or (2). If, at a hearing, the alleged offender is
21 found to have committed this offense, the court shall impose a
22 minimum civil penalty of \$200. For a second or subsequent
23 adjudication within a period of 5 years, the department shall
24 suspend the driver's license of the person for not less than 1
25 year and not more than 2 years.

26 (13) In addition to any penalties imposed for
27 noncriminal traffic infractions pursuant to this chapter or
28 imposed for criminal violations listed in s. 318.17, a board
29 of county commissioners or any unit of local government which
30 is consolidated as provided by s. 9, Art. VIII of the State
31 Constitution of 1885, as preserved by s. 6(e), Art. VIII of

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

Barcode 741546

1 the Constitution of 1968:

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

11 (b) That imposed increased fees or service charges by
12 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
13 purpose of securing payment of the principal and interest on
14 bonds issued by the county before July 1, 2003, to finance
15 state court facilities, may impose by ordinance a surcharge
16 for any infraction or violation for the exclusive purpose of
17 securing payment of the principal and interest on bonds issued
18 by the county before July 1, 2003, to fund state court
19 facilities until the date of stated maturity. The court shall
20 not waive this surcharge. Such surcharge may not exceed an
21 amount per violation calculated as the quotient of the maximum
22 annual payment of the principal and interest on the bonds as
23 of July 1, 2003, divided by the number of traffic citations
24 for county fiscal year 2002-2003 certified as paid by the
25 clerk of the court of the county. Such quotient shall be
26 rounded up to the next highest dollar amount. The bonds may be
27 refunded only if savings will be realized on payments of debt
28 service and the refunding bonds are scheduled to mature on the
29 same date or before the bonds being refunded. Notwithstanding
30 any of the foregoing provisions of this paragraph that limit
31 the use of surcharge revenues, if the revenues generated as a

Barcode 741546

1 result of the adoption of this ordinance exceed the debt
2 service on the bonds, the surplus revenues may be used to pay
3 down the debt service on the bonds; fund other
4 state-court-facility construction projects as may be certified
5 by the chief judge as necessary to address unexpected growth
6 in caseloads, emergency requirements to accommodate public
7 access, threats to the safety of the public, judges, staff,
8 and litigants, or other exigent circumstances; or support
9 local law libraries in or near the county courthouse or
10 annexes.

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

21 (14) In addition to any penalties imposed for
22 noncriminal traffic infractions under this chapter or imposed
23 for criminal violations listed in s. 318.17, any unit of local
24 government that is consolidated as provided by s. 9, Art. VIII
25 of the State Constitution of 1885, as preserved by s. 6(e),
26 Art. VIII of the State Constitution of 1968, and that is
27 granted the authority in the State Constitution to exercise
28 all the powers of a municipal corporation, and any unit of
29 local government operating under a home rule charter adopted
30 pursuant to ss. 10, 11, and 24, Art. VIII of the State
31 Constitution of 1885, as preserved by s. 6(e), Art. VIII of

Barcode 741546

1 the State Constitution of 1968, that is granted the authority
 2 in the State Constitution to exercise all the powers conferred
 3 now or hereafter by general law upon municipalities, may
 4 impose by ordinance a surcharge of up to \$15 for any
 5 infraction or violation. Revenue from the surcharge shall be
 6 transferred to such unit of local government for the purpose
 7 of replacing fine revenue deposited into the clerk's fine and
 8 forfeiture fund under s. 142.01. The court may not waive this
 9 surcharge. Proceeds from the imposition of the surcharge
 10 authorized in this subsection shall not be used for the
 11 purpose of securing payment of the principal and interest on
 12 bonds. This subsection, and any surcharge imposed pursuant to
 13 this subsection, shall stand repealed September 30, 2007.

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

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

30 (17) In addition to any penalties imposed, a surcharge
 31 of \$3 must be paid for all criminal offenses listed in s.

Barcode 741546

1 318.17 and for all noncriminal moving traffic violations under
 2 chapter 316. Revenue from the surcharge shall be remitted to
 3 the Department of Revenue and deposited quarterly into the
 4 State Agency Law Enforcement Radio System Trust Fund of the
 5 Department of Management Services for the state agency law
 6 enforcement radio system, as described in s. 282.1095. This
 7 subsection expires July 1, 2012.

8 Section 20. Subsection (17) is added to section
 9 318.21, Florida Statutes, to read:

10 318.21 Disposition of civil penalties by county
 11 courts.--All civil penalties received by a county court
 12 pursuant to the provisions of this chapter shall be
 13 distributed and paid monthly as follows:

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

18 Section 21. Section 320.061, Florida Statutes, is
 19 amended to read:

20 320.061 Unlawful to alter motor vehicle registration
 21 certificates, license plates, mobile home stickers, or
 22 validation stickers or to obscure license plates; penalty.--No
 23 person shall alter the original appearance of any registration
 24 license plate, mobile home sticker, validation sticker, or
 25 vehicle registration certificate issued for and assigned to
 26 any motor vehicle or mobile home, whether by mutilation,
 27 alteration, defacement, or change of color or in any other
 28 manner. No person shall apply or attach any substance,
 29 reflective matter, illuminated device, spray, coating,
 30 covering, or other material onto or around any license plate
 31 that interferes with the legibility, angular visibility, or

Barcode 741546

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

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

9 332.007 Administration and financing of aviation and
 10 airport programs and projects; state plan.--

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

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

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

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

Barcode 741546

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

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

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

15 (4) The council shall adopt bylaws governing the
 16 manner in which the business of the council will be conducted.
 17 The bylaws shall specify the procedure by which the chair of
 18 the council is elected. The council shall meet at the call of
 19 its chair, at the request of a majority of its membership, or
 20 at such times as may be prescribed in its bylaws. However, the
 21 council must meet at least twice a year. Except for the
 22 members under paragraphs (2)(d), (e), and (f), all members of
 23 the council are voting members. A majority of voting members
 24 of the council constitutes a quorum for the purpose of
 25 transacting the business of the council. A vote of the
 26 majority of the members present is sufficient for any action
 27 of the council, except that a member representing the
 28 Department of Transportation, the Department of Community
 29 Affairs, the Department of Law Enforcement, or the Office of
 30 Tourism, Trade, and Economic Development may ~~vote to~~ overrule
 31 any action of the council approving a project pursuant to

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

Barcode 741546

1 paragraph (7)(a). The bylaws of the council may require a
2 greater vote for a particular action.

3 Section 24. Section 334.351, Florida Statutes, is
4 amended to read:

5 334.351 Youth work experience program; findings and
6 intent; authority to contract; limitation.--

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

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

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

30 (a) The number of participants receiving
31 life-management skills training;

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

Barcode 741546

1 (b) The number of participants receiving high school
2 diplomas or GEDs;

3 (c) The number of participants receiving scholarships;

4 (d) The number of participants receiving bonuses;

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

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

9 (4) Each nonprofit youth organization under contract
10 with the department must:

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

16 (b) Submit an independent audit of the organization's
17 financial records to the department each year. The
18 organization's contract with the department must allow the
19 department the right to inspect the organization's financial
20 and program records.

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

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

26 336.025 County transportation system; levy of local
27 option fuel tax on motor fuel and diesel fuel.--

28 (1)

29 (c) Local governments may use the services of the
30 Division of Bond Finance of the State Board of Administration
31 pursuant to the State Bond Act to issue any bonds through the

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

Barcode 741546

1 provisions of this section and may pledge the revenues from
 2 local option fuel taxes to secure the payment of the bonds. ~~In~~
 3 ~~no case may a jurisdiction issue bonds pursuant to this~~
 4 ~~section more frequently than once per year.~~ Counties and
 5 municipalities may join together for the issuance of bonds
 6 issued pursuant to this section.

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

9 336.41 Counties; employing labor and providing road
 10 equipment; accounting; when competitive bidding required.--

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

18 (a) Construction and maintenance in emergency
 19 situations, and

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

26 (c) Construction of sidewalks, curbing, accessibility
 27 ramps, or appurtenances incidental to roads and bridges if
 28 each project is estimated in accordance with generally
 29 accepted cost-accounting principles to have total construction
 30 project costs of less than \$400,000 or as adjusted by the
 31 percentage change in the Construction Cost Index from January

1 1, 2008,

2

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

9 Section 27. Construction aggregate materials.--

10 (1) DEFINITIONS.--"Construction aggregate materials"

11 means crushed stone, limestone, dolomite, limerock, shell
12 rock, cemented coquina, sand for use as a component of
13 mortars, concrete, bituminous mixtures, or underdrain filters,
14 and other mined resources providing the basic material for
15 concrete, asphalt, and road base.

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

22 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local
23 government shall approve or deny a proposed land use zoning
24 change, comprehensive plan amendment, land use permit,
25 ordinance, or order regarding construction aggregate materials
26 without considering any information provided by the Department
27 of Transportation regarding the effect such change, amendment,
28 permit decision, ordinance, or order would have on the
29 availability, transportation, and potential extraction of
30 construction aggregate materials on the local area, the
31 region, and the state. The failure of the Department of

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

Barcode 741546

1 Transportation to provide this information shall not be a
 2 basis for delay or invalidation of the local government
 3 action. No local government may impose a moratorium, or
 4 combination of moratoria, of more than 12 months' duration on
 5 the mining or extraction of construction aggregate materials,
 6 commencing on the date the vote was taken to impose the
 7 moratorium. January 1, 2007, shall serve as the commencement
 8 of the 12-month period for moratoria already in place as of
 9 July 1, 2007.

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

25 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--
 26 (a) The Strategic Aggregates Review Task Force is
 27 created to evaluate the availability and disposition of
 28 construction aggregate materials and related mining and land
 29 use practices in this state.

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

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

Barcode 741546

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

4 a. The mining industry.
5 b. The construction industry.
6 c. The transportation industries, including seaports,
7 trucking, railroads, or roadbuilders.
8 d. Elected officials representing counties identified
9 by the Department of Transportation as limestone or sand
10 resource areas. Rural, midsize, and urban counties shall each
11 have one elected official on the task force.

12 e. Environmental advocacy groups.

13 2. The Secretary of Environmental Protection or
14 designee.

15 3. The Secretary of Community Affairs or designee.
16 4. The Secretary of Transportation or designee.
17 5. One member appointed by the Florida League of
18 Cities, Inc.

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

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

Barcode 741546

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

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

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

15 Section 28. Section 337.026, Florida Statutes, is
 16 created to read:

17 337.026 Authority of department to enter into
 18 agreements for construction aggregate materials.--

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

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

28 (3) To the maximum extent practical, the department
 29 must use the existing process to award and administer such
 30 procurement techniques. When techniques authorized by this
 31 section are to be used, the department is not required to

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

Barcode 741546

1 adhere to provisions of law that would prevent, preclude, or
 2 prohibit it from using this procurement technique. However,
 3 prior to using this procurement technique, the department must
 4 document in writing the need for the exception and identify
 5 the benefits the traveling public and the affected community
 6 are anticipated to receive.

7 Section 29. Paragraph (a) of subsection (3) of section
 8 337.11, Florida Statutes, is amended to read:

9 337.11 Contracting authority of department; bids;
 10 emergency repairs, supplemental agreements, and change orders;
 11 combined design and construction contracts; progress payments;
 12 records; requirements of vehicle registration.--

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

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

24 337.14 Application for qualification; certificate of
 25 qualification; restrictions; request for hearing.--

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

Barcode 741546

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

Barcode 741546

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

5 Section 31. Paragraph (a) of subsection (1) of section
 6 337.18, Florida Statutes, is amended to read:

7 337.18 Surety bonds for construction or maintenance
 8 contracts; requirement with respect to contract award; bond
 9 requirements; defaults; damage assessments.--

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

Barcode 741546

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

24 Section 32. Section 338.161, Florida Statutes, is
25 amended to read:

26 338.161 Authority of department or toll agencies to
27 advertise and promote electronic toll collection; expanded
28 uses of electronic toll collection system; studies
29 authorized.--

30 (1) The department is authorized to incur expenses for
31 paid advertising, marketing, and promotion of toll facilities

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

Barcode 741546

1 and electronic toll collection products and services.

2 Promotions may include discounts and free products.

3 (2) The department is authorized to receive funds from
4 advertising placed on electronic toll collection products and
5 promotional materials to defray the costs of products and
6 services.

7 (3)(a) The department or any toll agency created by
8 statute may incur expenses to advertise or promote its
9 electronic toll collection system to consumers on or off the
10 turnpike or toll system.

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

21 Section 33. Subsections (1), (3), and (4) of section
22 338.2275, Florida Statutes, are amended to read:

23 338.2275 Approved turnpike projects.--

24 (1) Legislative approval of the department's tentative
25 work program that contains the turnpike project constitutes
26 approval to issue bonds as required by s. 11(f), Art. VII of
27 the State Constitution. No more than \$10 billion of bonds may
28 be outstanding to fund approved turnpike projects. Turnpike
29 ~~projects approved to be included in future tentative work~~
30 ~~programs include, but are not limited to, projects contained~~
31 ~~in the 2003-2004 tentative work program. A maximum of \$4.5~~

Barcode 741546

1 ~~billion of bonds may be issued to fund approved turnpike~~
2 ~~projects.~~

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

25 ~~(3)(4)~~ Bonds may not be issued to fund a turnpike
26 project until the department has made a final determination
27 that the project is economically feasible in accordance with
28 s. 338.221, based on the most current information available.

29 Section 34. Subsections (3), (4), and (6) of section
30 338.231, Florida Statutes, are amended to read:

31 338.231 Turnpike tolls, fixing; pledge of tolls and

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

Barcode 741546

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

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

25 (4) For the period July 1, 1998, through June 30, 2017
26 ~~2007~~, the department shall, to the maximum extent feasible,
27 program sufficient funds in the tentative work program such
28 that the percentage of turnpike toll and bond financed
29 commitments in Dade County, Broward County, and Palm Beach
30 County as compared to total turnpike toll and bond financed
31 commitments shall be at least 90 percent of the share of net

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

Barcode 741546

1 toll collections attributable to users of the turnpike system
 2 in Dade County, Broward County, and Palm Beach County as
 3 compared to total net toll collections attributable to users
 4 of the turnpike system. The requirements of this subsection do
 5 not apply when the application of such requirements would
 6 violate any covenant established in a resolution or trust
 7 indenture relating to the issuance of turnpike bonds.

8 (6) In each fiscal year while any of the bonds of the
 9 Broward County Expressway Authority series 1984 and series
 10 1986-A remain outstanding, the department is authorized to
 11 pledge revenues from the turnpike system to the payment of
 12 principal and interest of such series of bonds, ~~the repayment~~
 13 ~~of Broward County gasoline tax funds as provided in s.~~
 14 ~~338.2275(3)~~, and the operation and maintenance expenses of the
 15 Sawgrass Expressway, to the extent gross toll revenues of the
 16 Sawgrass Expressway are insufficient to make such payments.
 17 The terms of an agreement relative to the pledge of turnpike
 18 system revenue will be negotiated with the parties of the 1984
 19 and 1986 Broward County Expressway Authority lease-purchase
 20 agreements, and subject to the covenants of those agreements.
 21 The agreement shall establish that the Sawgrass Expressway
 22 shall be subject to the planning, management, and operating
 23 control of the department limited only by the terms of the
 24 lease-purchase agreements. The department shall provide for
 25 the payment of operation and maintenance expenses of the
 26 Sawgrass Expressway until such agreement is in effect. This
 27 pledge of turnpike system revenues shall be subordinate to the
 28 debt service requirements of any future issue of turnpike
 29 bonds, the payment of turnpike system operation and
 30 maintenance expenses, and subject to provisions of any
 31 subsequent resolution or trust indenture relating to the

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

Barcode 741546

1 issuance of such turnpike bonds.

2 Section 35. Paragraph (j) of subsection (1) of section
3 339.08, Florida Statutes, is amended to read:

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

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

10 (j) To pay the cost of county or municipal road
11 projects selected in accordance with the County Incentive
12 Grant Program created in s. 339.2817, ~~and~~ the Small County
13 Outreach Program created in s. 339.2818, and the Enhanced
14 Bridge Program for Sustainable Transportation created in s.
15 339.285.

16 Section 36. Section 339.175, Florida Statutes, is
17 amended to read:

18 339.175 Metropolitan planning organization.--

19 (1) PURPOSE.--It is the intent of the Legislature to
20 encourage and promote the safe and efficient management,
21 operation, and development of surface transportation systems
22 that will serve the mobility needs of people and freight and
23 foster economic growth and development within and through
24 urbanized areas of this state while minimizing
25 transportation-related fuel consumption and air pollution
26 through metropolitan transportation planning processes
27 identified in this section. To accomplish these objectives,
28 metropolitan planning organizations, referred to in this
29 section as M.P.O.'s, shall develop, in cooperation with the
30 state and public transit operators, transportation plans and
31 programs for metropolitan areas. The plans and programs for

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

Barcode 741546

1 each metropolitan area must provide for the development and
 2 integrated management and operation of transportation systems
 3 and facilities, including pedestrian walkways and bicycle
 4 transportation facilities that will function as an intermodal
 5 transportation system for the metropolitan area, based upon
 6 the prevailing principles provided in s. 334.046(1). The
 7 process for developing such plans and programs shall provide
 8 for consideration of all modes of transportation and shall be
 9 continuing, cooperative, and comprehensive, to the degree
 10 appropriate, based on the complexity of the transportation
 11 problems to be addressed. To ensure that the process is
 12 integrated with the statewide planning process, M.P.O.'s shall
 13 develop plans and programs that identify transportation
 14 facilities that should function as an integrated metropolitan
 15 transportation system, giving emphasis to facilities that
 16 serve important national, state, and regional transportation
 17 functions. For the purposes of this section, those facilities
 18 include the facilities on the Strategic Intermodal System
 19 designated under s. 339.63 and facilities for which projects
 20 have been identified pursuant to s. 339.2819(4).

21 (2)~~(1)~~ DESIGNATION.--

22 (a)1. An M.P.O. shall be designated for each urbanized
 23 area of the state; however, this does not require that an
 24 individual M.P.O. be designated for each such area. Such
 25 designation shall be accomplished by agreement between the
 26 Governor and units of general-purpose local government
 27 representing at least 75 percent of the population of the
 28 urbanized area; however, the unit of general-purpose local
 29 government that represents the central city or cities within
 30 the M.P.O. jurisdiction, as defined by the United States
 31 Bureau of the Census, must be a party to such agreement.

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

Barcode 741546

1 2. More than one M.P.O. may be designated within an
 2 existing metropolitan planning area only if the Governor and
 3 the existing M.P.O. determine that the size and complexity of
 4 the existing metropolitan planning area makes the designation
 5 of more than one M.P.O. for the area appropriate.

6 (b) Each M.P.O. designated in a manner prescribed by
 7 Title 23 U.S.C. shall be created and operated under the
 8 provisions of this section pursuant to an interlocal agreement
 9 entered into pursuant to s. 163.01. The signatories to the
 10 interlocal agreement shall be the department and the
 11 governmental entities designated by the Governor for
 12 membership on the M.P.O. Each M.P.O. shall be considered
 13 separate from the state or the governing body of a local
 14 government that is represented on the governing board of the
 15 M.P.O. or that is a signatory to the interlocal agreement
 16 creating the M.P.O. and shall have such powers and privileges
 17 that are provided under s. 163.01. If there is a conflict
 18 between this section and s. 163.01, this section prevails.

19 (c) The jurisdictional boundaries of an M.P.O. shall
 20 be determined by agreement between the Governor and the
 21 applicable M.P.O. The boundaries must include at least the
 22 metropolitan planning area, which is the existing urbanized
 23 area and the contiguous area expected to become urbanized
 24 within a 20-year forecast period, and may encompass the entire
 25 metropolitan statistical area or the consolidated metropolitan
 26 statistical area.

27 (d) In the case of an urbanized area designated as a
 28 nonattainment area for ozone or carbon monoxide under the
 29 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
 30 the metropolitan planning area in existence as of the date of
 31 enactment of this paragraph shall be retained, except that the

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

Barcode 741546

1 boundaries may be adjusted by agreement of the Governor and
2 affected metropolitan planning organizations in the manner
3 described in this section. If more than one M.P.O. has
4 authority within a metropolitan area or an area that is
5 designated as a nonattainment area, each M.P.O. shall consult
6 with other M.P.O.'s designated for such area and with the
7 state in the coordination of plans and programs required by
8 this section.

9 (e) The governing body of the M.P.O. shall designate,
10 at a minimum, a chair, vice chair, and agency clerk. The chair
11 and vice chair shall be selected from among the member
12 delegates comprising the governing board. The agency clerk
13 shall be charged with the responsibility of preparing meeting
14 minutes and maintaining agency records. The clerk shall be a
15 member of the M.P.O. governing board, an employee of the
16 M.P.O., or other natural person.

17
18 Each M.P.O. required under this section must be fully
19 operative no later than 6 months following its designation.

20 (3)(2) VOTING MEMBERSHIP.--

21 (a) The voting membership of an M.P.O. shall consist
22 of not fewer than 5 or more than 19 apportioned members, the
23 exact number to be determined on an equitable
24 geographic-population ratio basis by the Governor, based on an
25 agreement among the affected units of general-purpose local
26 government as required by federal rules and regulations. The
27 Governor, in accordance with 23 U.S.C. s. 134, may also
28 provide for M.P.O. members who represent municipalities to
29 alternate with representatives from other municipalities
30 within the metropolitan planning area that do not have members
31 on the M.P.O. County commission members shall compose not less

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

Barcode 741546

1 | than one-third of the M.P.O. membership, except for an M.P.O.
 2 | with more than 15 members located in a county with a 5-member
 3 | ~~five-member~~ county commission or an M.P.O. with 19 members
 4 | located in a county with no more than 6 county commissioners,
 5 | in which case county commission members may compose less than
 6 | one-third percent of the M.P.O. membership, but all county
 7 | commissioners must be members. All voting members shall be
 8 | elected officials of general-purpose local governments, except
 9 | that an M.P.O. may include, as part of its apportioned voting
 10 | members, a member of a statutorily authorized planning board,
 11 | an official of an agency that operates or administers a major
 12 | mode of transportation, or an official of the Florida Space
 13 | Authority. As used in this section, the term "elected
 14 | officials of a general-purpose local government" shall exclude
 15 | constitutional officers, including sheriffs, tax collectors,
 16 | supervisors of elections, property appraisers, clerks of the
 17 | court, and similar types of officials. County commissioners
 18 | ~~The county commission~~ shall compose not less than 20 percent
 19 | of the M.P.O. membership if an official of an agency that
 20 | operates or administers a major mode of transportation has
 21 | been appointed to an M.P.O.

22 | (b) In metropolitan areas in which authorities or
 23 | other agencies have been or may be created by law to perform
 24 | transportation functions and are performing transportation
 25 | functions that are not under the jurisdiction of a
 26 | general-purpose ~~general purpose~~ local government represented
 27 | on the M.P.O., they shall be provided voting membership on the
 28 | M.P.O. In all other M.P.O.'s where transportation authorities
 29 | or agencies are to be represented by elected officials from
 30 | general-purpose ~~general purpose~~ local governments, the M.P.O.
 31 | shall establish a process by which the collective interests of

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

Barcode 741546

1 such authorities or other agencies are expressed and conveyed.

2 (c) Any other provision of this section to the
3 contrary notwithstanding, a chartered county with over 1
4 million population may elect to reapportion the membership of
5 an M.P.O. whose jurisdiction is wholly within the county. The
6 charter county may exercise the provisions of this paragraph
7 if:

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

10 2. The M.P.O. and the charter county determine that
11 the reapportionment plan is needed to fulfill specific goals
12 and policies applicable to that metropolitan planning area;
13 and

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

17
18 Any charter county that elects to exercise the provisions of
19 this paragraph shall notify the Governor in writing.

20 (d) Any other provision of this section to the
21 contrary notwithstanding, any county chartered under s. 6(e),
22 Art. VIII of the State Constitution may elect to have its
23 county commission serve as the M.P.O., if the M.P.O.
24 jurisdiction is wholly contained within the county. Any
25 charter county that elects to exercise the provisions of this
26 paragraph shall so notify the Governor in writing. Upon
27 receipt of such notification, the Governor must designate the
28 county commission as the M.P.O. The Governor must appoint four
29 additional voting members to the M.P.O., one of whom must be
30 an elected official representing a municipality within the
31 county, one of whom must be an expressway authority member,

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

Barcode 741546

1 one of whom must be a person who does not hold elected public
 2 office and who resides in the unincorporated portion of the
 3 county, and one of whom must be a school board member.

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

5 (a) The Governor shall, with the agreement of the
 6 affected units of general-purpose local government as required
 7 by federal rules and regulations, apportion the membership on
 8 the applicable M.P.O. among the various governmental entities
 9 within the area. At the request of a majority of the affected
 10 units of general-purpose local government comprising an
 11 M.P.O., the Governor and a majority of units of
 12 general-purpose local government serving on an M.P.O. shall
 13 cooperatively agree upon and prescribe who may serve as an
 14 alternate member and ~~shall prescribe~~ a method for appointing
 15 alternate members who may vote at any M.P.O. meeting that an
 16 alternate member attends in place of a regular member. The
 17 method shall be set forth as a part of the interlocal
 18 agreement describing the M.P.O.'s membership or in the
 19 M.P.O.'s operating procedures and bylaws. ~~An appointed~~
 20 ~~alternate member must be an elected official serving the same~~
 21 ~~governmental entity or a general-purpose local government with~~
 22 ~~jurisdiction within all or part of the area that the regular~~
 23 ~~member serves.~~ The governmental entity so designated shall
 24 appoint the appropriate number of members to the M.P.O. from
 25 eligible officials. Representatives of the department shall
 26 serve as nonvoting members of the M.P.O. governing board.
 27 Nonvoting advisers may be appointed by the M.P.O. as deemed
 28 necessary; however, to the maximum extent feasible, each
 29 M.P.O. shall seek to appoint nonvoting representatives of
 30 various multimodal forms of transportation not otherwise
 31 represented by voting members of the M.P.O. An M.P.O. shall

1 appoint nonvoting advisers representing major military
 2 installations located within the jurisdictional boundaries of
 3 the M.P.O. upon the request of the aforesaid major military
 4 installations and subject to the agreement of the M.P.O. All
 5 nonvoting advisers may attend and participate fully in
 6 governing board meetings but shall not have a vote and shall
 7 not be members of the governing board. The Governor shall
 8 review the composition of the M.P.O. membership in conjunction
 9 with the decennial census as prepared by the United States
 10 Department of Commerce, Bureau of the Census, and reapportion
 11 it as necessary to comply with subsection(3) ~~(2)~~.

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

29 (c) If a governmental entity fails to fill an assigned
 30 appointment to an M.P.O. within 60 days after notification by
 31 the Governor of its duty to appoint, that appointment shall be

Barcode 741546

1 made by the Governor from the eligible representatives of that
2 governmental entity.

3 (5)~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority
4 and responsibility of an M.P.O. is to manage a continuing,
5 cooperative, and comprehensive transportation planning process
6 that, based upon the prevailing principles provided in s.
7 334.046(1), results in the development of plans and programs
8 which are consistent, to the maximum extent feasible, with the
9 approved local government comprehensive plans of the units of
10 local government the boundaries of which are within the
11 metropolitan area of the M.P.O. An M.P.O. shall be the forum
12 for cooperative decisionmaking by officials of the affected
13 governmental entities in the development of the plans and
14 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and
15 (9).

16 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The
17 powers, privileges, and authority of an M.P.O. are those
18 specified in this section or incorporated in an interlocal
19 agreement authorized under s. 163.01. Each M.P.O. shall
20 perform all acts required by federal or state laws or rules,
21 now and subsequently applicable, which are necessary to
22 qualify for federal aid. It is the intent of this section that
23 each M.P.O. shall be involved in the planning and programming
24 of transportation facilities, including, but not limited to,
25 airports, intercity and high-speed rail lines, seaports, and
26 intermodal facilities, to the extent permitted by state or
27 federal law.

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

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

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

Barcode 741546

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

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

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

10 1. Support the economic vitality of the metropolitan
11 area, especially by enabling global competitiveness,
12 productivity, and efficiency;

13 2. Increase the safety and security of the
14 transportation system for motorized and nonmotorized users;

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

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

19 5. Enhance the integration and connectivity of the
20 transportation system, across and between modes, for people
21 and freight;

22 6. Promote efficient system management and operation;
23 and

24 7. Emphasize the preservation of the existing
25 transportation system.

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

29 1. Prepare a congestion management system for the
30 metropolitan area and cooperate with the department in the
31 development of all other transportation management systems

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

Barcode 741546

1 required by state or federal law;

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

4 3. Assist the department in performing its duties
5 relating to access management, functional classification of
6 roads, and data collection;

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

9 5. Represent all the jurisdictional areas within the
10 metropolitan area in the formulation of transportation plans
11 and programs required by this section; and

12 6. Perform all other duties required by state or
13 federal law.

14 (d) Each M.P.O. shall appoint a technical advisory
15 committee, the members of which shall serve at the pleasure of
16 the M.P.O. The membership of the technical advisory committee
17 must include, whenever possible, ~~that includes~~ planners;

18 engineers; representatives of local aviation authorities, port
19 authorities, and public transit authorities or representatives
20 of aviation departments, seaport departments, and public
21 transit departments of municipal or county governments, as
22 applicable; the school superintendent of each county within
23 the jurisdiction of the M.P.O. or the superintendent's
24 designee; and other appropriate representatives of affected
25 local governments. In addition to any other duties assigned to
26 it by the M.P.O. or by state or federal law, the technical
27 advisory committee is responsible for considering safe access
28 to schools in its review of transportation project priorities,
29 long-range transportation plans, and transportation
30 improvement programs, and shall advise the M.P.O. on such
31 matters. In addition, the technical advisory committee shall

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

Barcode 741546

1 coordinate its actions with local school boards and other
2 local programs and organizations within the metropolitan area
3 which participate in school safety activities, such as locally
4 established community traffic safety teams. Local school
5 boards must provide the appropriate M.P.O. with information
6 concerning future school sites and in the coordination of
7 transportation service.

8 (e)1. Each M.P.O. shall appoint a citizens' advisory
9 committee, the members of which serve at the pleasure of the
10 M.P.O. The membership on the citizens' advisory committee must
11 reflect a broad cross section of local residents with an
12 interest in the development of an efficient, safe, and
13 cost-effective transportation system. Minorities, the elderly,
14 and the handicapped must be adequately represented.

15 2. Notwithstanding the provisions of subparagraph 1.,
16 an M.P.O. may, with the approval of the department and the
17 applicable federal governmental agency, adopt an alternative
18 program or mechanism to ensure citizen involvement in the
19 transportation planning process.

20 (f) The department shall allocate to each M.P.O., for
21 the purpose of accomplishing its transportation planning and
22 programming duties, an appropriate amount of federal
23 transportation planning funds.

24 (g) Each M.P.O. shall have an executive or staff
25 director who reports directly to the M.P.O. governing board
26 for all matters regarding the administration and operation of
27 the M.P.O. and any additional personnel as deemed necessary.
28 The executive director and any additional personnel may be
29 employed either by an M.P.O. or by another governmental
30 entity, such as a county, city, or regional planning council,
31 that has a staff services agreement signed and in effect with

Barcode 741546

1 the M.P.O. Each M.P.O. may ~~employ personnel or may~~ enter into
 2 contracts with local or state agencies, private planning
 3 firms, ~~or~~ private engineering firms, or other public or
 4 private entities to accomplish its transportation planning and
 5 programming duties and administrative functions ~~required by~~
 6 ~~state or federal law.~~

7 (h) In order to enhance their knowledge,
 8 effectiveness, and participation in the urbanized area
 9 transportation planning process, each M.P.O. shall provide
 10 training opportunities and training funds specifically for
 11 local elected officials and others who serve on an M.P.O. The
 12 training opportunities may be conducted by an individual
 13 M.P.O. or through statewide and federal training programs and
 14 initiatives that are specifically designed to meet the needs
 15 of M.P.O. board members.

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

- 20 1. Coordinate transportation projects deemed to be
- 21 regionally significant by the committee.
- 22 2. Review the impact of regionally significant land
- 23 use decisions on the region.
- 24 3. Review all proposed regionally significant
- 25 transportation projects in the respective transportation
- 26 improvement programs which affect more than one of the
- 27 M.P.O.'s represented on the committee.
- 28 4. Institute a conflict resolution process to address
- 29 any conflict that may arise in the planning and programming of
- 30 such regionally significant projects.

31 (j)(i)1. The Legislature finds that the state's rapid

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

Barcode 741546

1 growth in recent decades has caused many urbanized areas
 2 subject to M.P.O. jurisdiction to become contiguous to each
 3 other. As a result, various transportation projects may cross
 4 from the jurisdiction of one M.P.O. into the jurisdiction of
 5 another M.P.O. To more fully accomplish the purposes for which
 6 M.P.O.'s have been mandated, M.P.O.'s shall develop
 7 coordination mechanisms with one another to expand and improve
 8 transportation within the state. The appropriate method of
 9 coordination between M.P.O.'s shall vary depending upon the
 10 project involved and given local and regional needs.
 11 Consequently, it is appropriate to set forth a flexible
 12 methodology that can be used by M.P.O.'s to coordinate with
 13 other M.P.O.'s and appropriate political subdivisions as
 14 circumstances demand.

15 2. Any M.P.O. may join with any other M.P.O. or any
 16 individual political subdivision to coordinate activities or
 17 to achieve any federal or state transportation planning or
 18 development goals or purposes consistent with federal or state
 19 law. When an M.P.O. determines that it is appropriate to join
 20 with another M.P.O. or any political subdivision to coordinate
 21 activities, the M.P.O. or political subdivision shall enter
 22 into an interlocal agreement pursuant to s. 163.01, which, at
 23 a minimum, creates a separate legal or administrative entity
 24 to coordinate the transportation planning or development
 25 activities required to achieve the goal or purpose; provides
 26 ~~provide~~ the purpose for which the entity is created; provides
 27 ~~provide~~ the duration of the agreement and the entity, and
 28 specifies ~~specify~~ how the agreement may be terminated,
 29 modified, or rescinded; describes ~~describe~~ the precise
 30 organization of the entity, including who has voting rights on
 31 the governing board, whether alternative voting members are

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

Barcode 741546

1 provided for, how voting members are appointed, and what the
2 relative voting strength is for each constituent M.P.O. or
3 political subdivision; provides ~~provide~~ the manner in which
4 the parties to the agreement will provide for the financial
5 support of the entity and payment of costs and expenses of the
6 entity; provides ~~provide~~ the manner in which funds may be paid
7 to and disbursed from the entity; and provides ~~provide~~ how
8 members of the entity will resolve disagreements regarding
9 interpretation of the interlocal agreement or disputes
10 relating to the operation of the entity. Such interlocal
11 agreement shall become effective upon its recordation in the
12 official public records of each county in which a member of
13 the entity created by the interlocal agreement has a voting
14 member. This paragraph does not require any M.P.O.'s to merge,
15 combine, or otherwise join together as a single M.P.O.

16 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O.
17 must develop a long-range transportation plan that addresses
18 at least a 20-year planning horizon. The plan must include
19 both long-range and short-range strategies and must comply
20 with all other state and federal requirements. The prevailing
21 principles to be considered in the long-range transportation
22 plan are: preserving the existing transportation
23 infrastructure; enhancing Florida's economic competitiveness;
24 and improving travel choices to ensure mobility. The
25 long-range transportation plan must be consistent, to the
26 maximum extent feasible, with future land use elements and the
27 goals, objectives, and policies of the approved local
28 government comprehensive plans of the units of local
29 government located within the jurisdiction of the M.P.O. The
30 approved long-range transportation plan must be considered by
31 local governments in the development of the transportation

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

Barcode 741546

1 elements in local government comprehensive plans and any
2 amendments thereto. The long-range transportation plan must,
3 at a minimum:

4 (a) Identify transportation facilities, including, but
5 not limited to, major roadways, airports, seaports,
6 spaceports, commuter rail systems, transit systems, and
7 intermodal or multimodal terminals that will function as an
8 integrated metropolitan transportation system. The long-range
9 transportation plan must give emphasis to those transportation
10 facilities that serve national, statewide, or regional
11 functions, and must consider the goals and objectives
12 identified in the Florida Transportation Plan as provided in
13 s. 339.155. If a project is located within the boundaries of
14 more than one M.P.O., the M.P.O.'s must coordinate plans
15 regarding the project in the long-range transportation plan.

16 (b) Include a financial plan that demonstrates how the
17 plan can be implemented, indicating resources from public and
18 private sources which are reasonably expected to be available
19 to carry out the plan, and recommends any additional financing
20 strategies for needed projects and programs. The financial
21 plan may include, for illustrative purposes, additional
22 projects that would be included in the adopted long-range
23 transportation plan if reasonable additional resources beyond
24 those identified in the financial plan were available. For the
25 purpose of developing the long-range transportation plan, the
26 M.P.O. and the department shall cooperatively develop
27 estimates of funds that will be available to support the plan
28 implementation. Innovative financing techniques may be used to
29 fund needed projects and programs. Such techniques may include
30 the assessment of tolls, the use of value capture financing,
31 or the use of value pricing.

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

Barcode 741546

1 (c) Assess capital investment and other measures
2 necessary to:

3 1. Ensure the preservation of the existing
4 metropolitan transportation system including requirements for
5 the operation, resurfacing, restoration, and rehabilitation of
6 major roadways and requirements for the operation,
7 maintenance, modernization, and rehabilitation of public
8 transportation facilities; and

9 2. Make the most efficient use of existing
10 transportation facilities to relieve vehicular congestion and
11 maximize the mobility of people and goods.

12 (d) Indicate, as appropriate, proposed transportation
13 enhancement activities, including, but not limited to,
14 pedestrian and bicycle facilities, scenic easements,
15 landscaping, historic preservation, mitigation of water
16 pollution due to highway runoff, and control of outdoor
17 advertising.

18 (e) In addition to the requirements of paragraphs
19 (a)-(d), in metropolitan areas that are classified as
20 nonattainment areas for ozone or carbon monoxide, the M.P.O.
21 must coordinate the development of the long-range
22 transportation plan with the State Implementation Plan
23 developed pursuant to the requirements of the federal Clean
24 Air Act.

25
26 In the development of its long-range transportation plan, each
27 M.P.O. must provide the public, affected public agencies,
28 representatives of transportation agency employees, freight
29 shippers, providers of freight transportation services,
30 private providers of transportation, representatives of users
31 of public transit, and other interested parties with a

Barcode 741546

1 reasonable opportunity to comment on the long-range
2 transportation plan. The long-range transportation plan must
3 be approved by the M.P.O.

4 ~~(8)(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each
5 M.P.O. shall, in cooperation with the state and affected
6 public transportation operators, develop a transportation
7 improvement program for the area within the jurisdiction of
8 the M.P.O. In the development of the transportation
9 improvement program, each M.P.O. must provide the public,
10 affected public agencies, representatives of transportation
11 agency employees, freight shippers, providers of freight
12 transportation services, private providers of transportation,
13 representatives of users of public transit, and other
14 interested parties with a reasonable opportunity to comment on
15 the proposed transportation improvement program.

16 (a) Each M.P.O. is responsible for developing,
17 annually, a list of project priorities and a transportation
18 improvement program. The prevailing principles to be
19 considered by each M.P.O. when developing a list of project
20 priorities and a transportation improvement program are:
21 preserving the existing transportation infrastructure;
22 enhancing Florida's economic competitiveness; and improving
23 travel choices to ensure mobility. The transportation
24 improvement program will be used to initiate federally aided
25 transportation facilities and improvements as well as other
26 transportation facilities and improvements including transit,
27 rail, aviation, spaceport, and port facilities to be funded
28 from the State Transportation Trust Fund within its
29 metropolitan area in accordance with existing and subsequent
30 federal and state laws and rules and regulations related
31 thereto. The transportation improvement program shall be

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

Barcode 741546

1 consistent, to the maximum extent feasible, with the approved
 2 local government comprehensive plans of the units of local
 3 government whose boundaries are within the metropolitan area
 4 of the M.P.O. and include those projects programmed pursuant
 5 to s. 339.2819(4).

6 (b) Each M.P.O. annually shall prepare a list of
 7 project priorities and shall submit the list to the
 8 appropriate district of the department by October 1 of each
 9 year; however, the department and a metropolitan planning
 10 organization may, in writing, agree to vary this submittal
 11 date. The list of project priorities must be formally reviewed
 12 by the technical and citizens' advisory committees, and
 13 approved by the M.P.O., before it is transmitted to the
 14 district. The approved list of project priorities must be used
 15 by the district in developing the district work program and
 16 must be used by the M.P.O. in developing its transportation
 17 improvement program. The annual list of project priorities
 18 must be based upon project selection criteria that, at a
 19 minimum, consider the following:

- 20 1. The approved M.P.O. long-range transportation plan;
- 21 2. The Strategic Intermodal System Plan developed
- 22 under s. 339.64.
- 23 3. The priorities developed pursuant to s.
- 24 339.2819(4).
- 25 4. The results of the transportation management
- 26 systems; and
- 27 5. The M.P.O.'s public-involvement procedures.

28 (c) The transportation improvement program must, at a
 29 minimum:

- 30 1. Include projects and project phases to be funded
- 31 with state or federal funds within the time period of the

Barcode 741546

1 transportation improvement program and which are recommended
 2 for advancement during the next fiscal year and 4 subsequent
 3 fiscal years. Such projects and project phases must be
 4 consistent, to the maximum extent feasible, with the approved
 5 local government comprehensive plans of the units of local
 6 government located within the jurisdiction of the M.P.O. For
 7 informational purposes, the transportation improvement program
 8 shall also include a list of projects to be funded from local
 9 or private revenues.

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

14 3. Provide a financial plan that demonstrates how the
 15 transportation improvement program can be implemented;
 16 indicates the resources, both public and private, that are
 17 reasonably expected to be available to accomplish the program;
 18 identifies any innovative financing techniques that may be
 19 used to fund needed projects and programs; and may include,
 20 for illustrative purposes, additional projects that would be
 21 included in the approved transportation improvement program if
 22 reasonable additional resources beyond those identified in the
 23 financial plan were available. Innovative financing techniques
 24 may include the assessment of tolls, the use of value capture
 25 financing, or the use of value pricing. The transportation
 26 improvement program may include a project or project phase
 27 only if full funding can reasonably be anticipated to be
 28 available for the project or project phase within the time
 29 period contemplated for completion of the project or project
 30 phase.

31 4. Group projects and project phases of similar

Barcode 741546

1 urgency and anticipated staging into appropriate staging
2 periods.

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

8 6. Indicate whether any project or project phase is
9 inconsistent with an approved comprehensive plan of a unit of
10 local government located within the jurisdiction of the M.P.O.
11 If a project is inconsistent with an affected comprehensive
12 plan, the M.P.O. must provide justification for including the
13 project in the transportation improvement program.

14 7. Indicate how the improvements are consistent, to
15 the maximum extent feasible, with affected seaport, airport,
16 and spaceport master plans and with public transit development
17 plans of the units of local government located within the
18 jurisdiction of the M.P.O. If a project is located within the
19 boundaries of more than one M.P.O., the M.P.O.'s must
20 coordinate plans regarding the project in the transportation
21 improvement program.

22 (d) Projects included in the transportation
23 improvement program and that have advanced to the design stage
24 of preliminary engineering may be removed from or rescheduled
25 in a subsequent transportation improvement program only by the
26 joint action of the M.P.O. and the department. Except when
27 recommended in writing by the district secretary for good
28 cause, any project removed from or rescheduled in a subsequent
29 transportation improvement program shall not be rescheduled by
30 the M.P.O. in that subsequent program earlier than the 5th
31 year of such program.

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

Barcode 741546

1 (e) During the development of the transportation
2 improvement program, the M.P.O. shall, in cooperation with the
3 department and any affected public transit operation, provide
4 citizens, affected public agencies, representatives of
5 transportation agency employees, freight shippers, providers
6 of freight transportation services, private providers of
7 transportation, representatives of users of public transit,
8 and other interested parties with reasonable notice of and an
9 opportunity to comment on the proposed program.

10 (f) The adopted annual transportation improvement
11 program for M.P.O.'s in nonattainment or maintenance areas
12 must be submitted to the district secretary and the Department
13 of Community Affairs at least 90 days before the submission of
14 the state transportation improvement program by the department
15 to the appropriate federal agencies. The annual transportation
16 improvement program for M.P.O.'s in attainment areas must be
17 submitted to the district secretary and the Department of
18 Community Affairs at least 45 days before the department
19 submits the state transportation improvement program to the
20 appropriate federal agencies; however, the department, the
21 Department of Community Affairs, and a metropolitan planning
22 organization may, in writing, agree to vary this submittal
23 date. The Governor or the Governor's designee shall review and
24 approve each transportation improvement program and any
25 amendments thereto.

26 (g) The Department of Community Affairs shall review
27 the annual transportation improvement program of each M.P.O.
28 for consistency with the approved local government
29 comprehensive plans of the units of local government whose
30 boundaries are within the metropolitan area of each M.P.O. and
31 shall identify those projects that are inconsistent with such

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

Barcode 741546

1 comprehensive plans. The Department of Community Affairs shall
 2 notify an M.P.O. of any transportation projects contained in
 3 its transportation improvement program which are inconsistent
 4 with the approved local government comprehensive plans of the
 5 units of local government whose boundaries are within the
 6 metropolitan area of the M.P.O.

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

13 ~~(9)(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.
 14 shall develop, in cooperation with the department and public
 15 transportation providers, a unified planning work program that
 16 lists all planning tasks to be undertaken during the program
 17 year. The unified planning work program must provide a
 18 complete description of each planning task and an estimated
 19 budget therefor and must comply with applicable state and
 20 federal law.

21 ~~(10)(9)~~ AGREEMENTS.--

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

25 1. An agreement with the department clearly
 26 establishing the cooperative relationship essential to
 27 accomplish the transportation planning requirements of state
 28 and federal law.

29 2. An agreement with the metropolitan and regional
 30 intergovernmental coordination and review agencies serving the
 31 metropolitan areas, specifying the means by which activities

Barcode 741546

1 will be coordinated and how transportation planning and
2 programming will be part of the comprehensive planned
3 development of the area.

4 3. An agreement with operators of public
5 transportation systems, including transit systems, commuter
6 rail systems, airports, seaports, and spaceports, describing
7 the means by which activities will be coordinated and
8 specifying how public transit, commuter rail, aviation,
9 seaport, and aerospace planning and programming will be part
10 of the comprehensive planned development of the metropolitan
11 area.

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

15 ~~(11)(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
16 COUNCIL.--

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

21 (b) The council shall consist of one representative
22 from each M.P.O. and shall elect a chairperson annually from
23 its number. Each M.P.O. shall also elect an alternate
24 representative from each M.P.O. to vote in the absence of the
25 representative. Members of the council do not receive any
26 compensation for their services, but may be reimbursed from
27 funds made available to council members for travel and per
28 diem expenses incurred in the performance of their council
29 duties as provided in s. 112.061.

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

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

Barcode 741546

- 1 1. Enter into contracts with individuals, private
- 2 corporations, and public agencies.
- 3 2. Acquire, own, operate, maintain, sell, or lease
- 4 personal property essential for the conduct of business.
- 5 3. Accept funds, grants, assistance, gifts, or
- 6 bequests from private, local, state, or federal sources.
- 7 4. Establish bylaws and adopt rules pursuant to ss.
- 8 120.536(1) and 120.54 to implement provisions of law
- 9 conferring powers or duties upon it.
- 10 5. Assist M.P.O.'s in carrying out the urbanized area
- 11 transportation planning process by serving as the principal
- 12 forum for collective policy discussion pursuant to law.
- 13 6. Serve as a clearinghouse for review and comment by
- 14 M.P.O.'s on the Florida Transportation Plan and on other
- 15 issues required to comply with federal or state law in
- 16 carrying out the urbanized area transportation and systematic
- 17 planning processes instituted pursuant to s. 339.155.
- 18 7. Employ an executive director and such other staff
- 19 as necessary to perform adequately the functions of the
- 20 council, within budgetary limitations. The executive director
- 21 and staff are exempt from part II of chapter 110 and serve at
- 22 the direction and control of the council. The council is
- 23 assigned to the Office of the Secretary of the Department of
- 24 Transportation for fiscal and accountability purposes, but it
- 25 shall otherwise function independently of the control and
- 26 direction of the department.
- 27 8. Adopt an agency strategic plan that provides the
- 28 priority directions the agency will take to carry out its
- 29 mission within the context of the state comprehensive plan and
- 30 any other statutory mandates and directions given to the
- 31 agency.

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

Barcode 741546

1 ~~(12)(11)~~ APPLICATION OF FEDERAL LAW.--Upon
2 notification by an agency of the Federal Government that any
3 provision of this section conflicts with federal laws or
4 regulations, such federal laws or regulations will take
5 precedence to the extent of the conflict until such conflict
6 is resolved. The department or an M.P.O. may take any
7 necessary action to comply with such federal laws and
8 regulations or to continue to remain eligible to receive
9 federal funds.

10 ~~(13)(12)~~ VOTING REQUIREMENTS.--Each long-range
11 transportation plan required pursuant to subsection ~~(7)~~ ~~(6)~~,
12 each annually updated Transportation Improvement Program
13 required under subsection ~~(8)~~ ~~(7)~~, and each amendment that
14 affects projects in the first 3 years of such plans and
15 programs must be approved by each M.P.O. on a recorded roll
16 call vote, or hand-counted vote, of a majority of the
17 membership present.

18 Section 37. Subsection (2) of section 339.2819,
19 Florida Statutes, is amended to read:

20 339.2819 Transportation Regional Incentive Program.--

21 (2) The percentage of matching funds provided from the
22 Transportation Regional Incentive Program shall be 50 percent
23 of project costs, ~~or up to 50 percent of the nonfederal share~~
24 ~~of the eligible project cost for a public transportation~~
25 ~~facility project.~~

26 Section 38. Section 339.282, Florida Statutes, is
27 created to read:

28 339.282 Transportation concurrency incentives.--The
29 Legislature finds that allowing private-sector entities to
30 finance, construct, and improve public transportation
31 facilities can provide significant benefits to the citizens of

Barcode 741546

1 this state by facilitating transportation of the general
2 public without the need for additional public tax revenues. In
3 order to encourage the more efficient and proactive provision
4 of transportation improvements by the private sector, if a
5 developer or property owner voluntarily contributes
6 right-of-way and physically constructs or expands a state
7 transportation facility or segment, and such construction or
8 expansion improves traffic flow, capacity, or safety, the
9 voluntary contribution may be applied as a credit for that
10 property owner or developer against any future transportation
11 concurrency requirements pursuant to chapter 163, provided
12 such contributions and credits are set forth in a legally
13 binding agreement executed by the property owner or developer,
14 the local government of the jurisdiction in which the facility
15 is located, and the department. If the developer or property
16 owner voluntarily contributes right-of-way and physically
17 constructs or expands a local government facility or segment
18 and such construction or expansion meets the requirements in
19 this section and is set forth in a legally binding agreement
20 between the property owner or developer and the applicable
21 local government, the contribution to the local government
22 collector and the arterial system may be applied as credit
23 against any future transportation concurrency requirements
24 within the jurisdiction under chapter 163.

25 Section 39. Section 339.285, Florida Statutes, is
26 created to read:

27 339.285 Enhanced Bridge Program for Sustainable
28 Transportation.--

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

Barcode 741546

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

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

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

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

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

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

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

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

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

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

Barcode 741546

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

6 Section 40. Subsection (4) of section 339.55, Florida
 7 Statutes, is amended, and paragraph (c) is added to subsection
 8 (2) and paragraph (j) is added to subsection (7) of that
 9 section, to read:

10 339.55 State-funded infrastructure bank.--

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

13 (c)1. Emergency loans for damages incurred to
 14 public-use commercial deepwater seaports, public-use airports,
 15 and other public-use transit and intermodal facilities that
 16 are within an area that is part of an official state
 17 declaration of emergency pursuant to chapter 252 and all other
 18 applicable laws. Such loans:

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

23 b. Require application from the recipient to the
 24 department that includes documentation of damage claims filed
 25 with the Federal Emergency Management Agency or an applicable
 26 insurance carrier and documentation of the recipient's overall
 27 financial condition.

28 c. Are subject to approval by the Secretary of
 29 Transportation and the Legislative Budget Commission.

30 2. Loans provided under this paragraph must be repaid
 31 upon receipt by the recipient of eligible program funding for

Barcode 741546

1 damages in accordance with the claims filed with the Federal
2 Emergency Management Agency or an applicable insurance
3 carrier, but no later than the duration of the loan.

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

6 Repayment of any loan ~~from the bank~~ shall commence not later
7 than 5 years after the project has been completed or, in the
8 case of a highway project, the facility has opened to traffic,
9 whichever is later, and shall be repaid within ~~in no more than~~
10 30 years, except for loans provided under paragraph (2)(c),
11 which shall be repaid within 36 months.

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

15 (j) The extent to which damage from a disaster that
16 results in a declaration of emergency has impacted a public
17 transportation facility's ability to maintain its previous
18 level of service and remain accessible to the public or has
19 had a major impact on the cash flow or revenue-generation
20 ability of the public-use facility.

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

23 341.071 Transit productivity and performance measures;
24 reports.--

25 (2) Each public transit provider shall establish
26 productivity and performance measures, which must be approved
27 by the department and which must be selected from measures
28 developed pursuant to s. 341.041(3). Each provider shall by
29 January 31 of each year report ~~annually~~ to the department
30 relative to these measures. In approving these measures, the
31 department shall give consideration to the goals and

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

Barcode 741546

1 objectives of each system, the needs of the local area, and
 2 the role for public transit in the local area. The report
 3 shall also specifically address potential enhancements to
 4 productivity and performance which would have the effect of
 5 increasing farebox recovery ratio.

6 Section 42. Paragraph (a) of subsection (2) of section
 7 343.81, Florida Statutes, is amended to read:

8 343.81 Northwest Florida Transportation Corridor
 9 Authority.--

10 (2)(a) The governing body of the authority shall
 11 consist of eight voting members, one each from Escambia, Santa
 12 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla
 13 Counties, appointed by the Governor to a 4-year term. The
 14 appointees shall be residents of their respective counties and
 15 may not hold an elected office. Upon the effective date of his
 16 or her appointment, or as soon thereafter as practicable, each
 17 appointed member of the authority shall enter upon his or her
 18 duties. Each appointed member shall hold office until his or
 19 her successor has been appointed and has qualified. A vacancy
 20 occurring during a term shall be filled only for the balance
 21 of the unexpired term. Any member of the authority shall be
 22 eligible for reappointment. Members of the authority may be
 23 removed from office by the Governor for misconduct,
 24 malfeasance, misfeasance, or nonfeasance in office.

25 Section 43. The amendments made by this act to s.
 26 343.81, Florida Statutes, prohibiting the appointment of a
 27 person holding an elected office to the Northwest Florida
 28 Transportation Corridor Authority shall not prohibit any
 29 member appointed prior to the effective date of this act from
 30 completing his or her current term, and the prohibition shall
 31 only apply to members appointed after the effective date of

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

Barcode 741546

1 this act and shall not preclude the reappointment of any
2 existing member.

3 Section 44. Subsection (2) of section 343.82, Florida
4 Statutes, is amended to read:

5 343.82 Purposes and powers.--

6 (2)(a) The authority is authorized to construct any
7 feeder roads, reliever roads, connector roads, bypasses, or
8 appurtenant facilities that are intended to improve mobility
9 along the U.S. 98 corridor. The transportation improvement
10 projects may also include all necessary approaches, roads,
11 bridges, and avenues of access that are desirable and proper
12 with the concurrence, where applicable, of the department if
13 the project is to be part of the State Highway System or the
14 respective county or municipal governing boards. Any
15 transportation facilities constructed by the authority may be
16 tolled.

17 (b) Notwithstanding any special act to the contrary,
18 the authority shall plan for and study the feasibility of
19 constructing, operating, and maintaining a bridge or bridges
20 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
21 access roads to such bridge or bridges, including studying the
22 environmental and economic feasibility of such bridge or
23 bridges and access roads, and such other transportation
24 facilities that become part of such bridge system. The
25 authority may construct, operate, and maintain the bridge
26 system if the authority determines that the bridge system
27 project is feasible and consistent with the authority's
28 primary purpose and master plan.

29 Section 45. Section 334.30, Florida Statutes, is
30 amended to read:

31 334.30 Public-private transportation facilities.--The

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

Barcode 741546

1 Legislature ~~hereby~~ finds and declares that there is a public
 2 need for the rapid construction of safe and efficient
 3 transportation facilities for the purpose of traveling ~~travel~~
 4 within the state, and that it is in the public's interest to
 5 provide for the construction of additional safe, convenient,
 6 and economical transportation facilities.

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

- 27 (a) Is in the public's best interest;
- 28 (b) Would not require state funds to be used unless
- 29 the project is on the State Highway System; ~~and~~
- 30 (c) Would have adequate safeguards in place to ensure
- 31 that no additional costs or service disruptions would be

Barcode 741546

1 realized by the traveling public and residents ~~citizens~~ of the
2 state in the event of default or cancellation of the agreement
3 by the department;-

4 (d) Would have adequate safeguards in place to ensure
5 that the department or the private entity has the opportunity
6 to add capacity to the proposed project and other
7 transportation facilities serving similar origins and
8 destinations; and

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

11
12 The department shall ensure that all reasonable costs to the
13 state, related to transportation facilities that are not part
14 of the State Highway System, are borne by the private entity.
15 The department shall also ensure that all reasonable costs to
16 the state and substantially affected local governments and
17 utilities, related to the private transportation facility, are
18 borne by the private entity for transportation facilities that
19 are owned by private entities. For projects on the State
20 Highway System, the department may use state resources to
21 participate in funding and financing the project as provided
22 for under the department's enabling legislation.

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

28 (3) Each private transportation facility constructed
29 pursuant to this section shall comply with all requirements of
30 federal, state, and local laws; state, regional, and local
31 comprehensive plans; department rules, policies, procedures,

Barcode 741546

1 and standards for transportation facilities; and any other
2 conditions which the department determines to be in the
3 public's best interest.

4 (4) The department may exercise any power possessed by
5 it, including eminent domain, with respect to the development
6 and construction of state transportation projects to
7 facilitate the development and construction of transportation
8 projects pursuant to this section. The department may provide
9 services to the private entity. Agreements for maintenance,
10 law enforcement, and other services entered into pursuant to
11 this section shall provide for full reimbursement for services
12 rendered for projects not on the State Highway System.

13 (5) Except as herein provided, the provisions of this
14 section are not intended to amend existing laws by granting
15 additional powers to, or further restricting, local
16 governmental entities from regulating and entering into
17 cooperative arrangements with the private sector for the
18 planning, construction, and operation of transportation
19 facilities.

20 (6) 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 60 days after the initial date
27 of publication, other proposals for the same project purpose.
28 A copy of the notice must be mailed to each local government
29 in the affected area. After the public notification period has
30 expired, the department shall rank the proposals in order of
31 preference. In ranking the proposals the department may

Barcode 741546

1 consider factors, including, but not limited to, professional
 2 qualifications, general business terms, innovative engineering
 3 or cost-reduction terms, finance plans, and the need for state
 4 funds to deliver the project. If the department is not
 5 satisfied with the results of the negotiations, the department
 6 may, at its sole discretion, terminate negotiations with the
 7 proposer. If these negotiations are unsuccessful, the
 8 department may go to the second-ranked and lower-ranked firms,
 9 in order, using this same procedure. If only one proposal is
 10 received, the department may negotiate in good faith and, if
 11 the department is not satisfied with the results of the
 12 negotiations, the department may, at its sole discretion,
 13 terminate negotiations with the proposer. ~~Notwithstanding this~~
 14 ~~subsection,~~ The department may, at its discretion, reject all
 15 proposals at any point in the process up to completion of a
 16 contract with the proposer.

17 (7) The department may lend funds from the Toll
 18 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
 19 private entities that construct projects on the State Highway
 20 System containing toll facilities that are approved under this
 21 section. To be eligible, a private entity must comply with s.
 22 338.251 and must provide an indication from a nationally
 23 recognized rating agency that the senior bonds for the project
 24 will be investment grade, or must provide credit support such
 25 as a letter of credit or other means acceptable to the
 26 department, to ensure that the loans will be fully repaid. The
 27 state's liability for the funding of a facility is limited to
 28 the amount approved for that specific facility in the
 29 department's 5-year work program adopted pursuant to s.
 30 339.135.

31 ~~(8) A fixed-guideway transportation system authorized~~

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

Barcode 741546

1 ~~by the department to be wholly or partially within the~~
2 ~~department's right-of-way pursuant to a lease granted under s.~~
3 ~~337.251 may operate at any safe speed.~~

4 Section 46. Section 338.234, Florida Statutes, is
5 amended to read:

6 338.234 Granting concessions or selling along the
7 turnpike system; immunity from taxation.--

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

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

Barcode 741546

1 meeting-room space on the turnpike system.

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

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

18 348.0004 Purposes and powers.--

19 (9) The Legislature declares that there is a public
20 need for the rapid construction of safe and efficient
21 transportation facilities for traveling ~~travel~~ within the
22 state and that it is in the public's interest to provide for
23 public-private partnership agreements to effectuate the
24 construction of additional safe, convenient, and economical
25 transportation facilities.

26 (a) Notwithstanding any other provision of the Florida
27 Expressway Authority Act, any expressway authority,
28 transportation authority, bridge authority, or toll authority
29 may receive or solicit proposals and enter into agreements
30 with private entities, or consortia thereof, for the building,
31 operation, ownership, or financing of ~~expressway~~ authority

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

Barcode 741546

1 transportation facilities or new transportation facilities
 2 within the jurisdiction of the ~~expressway~~ authority which
 3 increase transportation capacity. An authority may not sell or
 4 lease any transportation facility owned by the authority. An
 5 ~~expressway~~ authority is authorized to adopt rules to implement
 6 this subsection and shall, by rule, establish an application
 7 fee for the submission of unsolicited proposals under this
 8 subsection. The fee must be sufficient to pay the costs of
 9 evaluating the proposals. An ~~expressway~~ authority may engage
 10 private consultants to assist in the evaluation. Before
 11 approval, an ~~expressway~~ authority must determine that a
 12 proposed project:

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

29 (b) An ~~expressway~~ authority shall ensure that all
 30 reasonable costs to the state which are, related to
 31 transportation facilities that are not part of the State

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

Barcode 741546

1 Highway System, are borne by the private entity. An ~~expressway~~
2 authority shall also ensure that all reasonable costs to the
3 state and substantially affected local governments and
4 utilities related to the private transportation facility are
5 borne by the private entity for transportation facilities that
6 are owned by private entities. For projects on the State
7 Highway System, the department may use state resources to
8 participate in funding and financing the project as provided
9 for under the department's enabling legislation.

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

Barcode 741546

1 results, it may, at its sole discretion, terminate
 2 negotiations with the proposer. ~~Notwithstanding this~~
 3 ~~paragraph,~~ The ~~expressway~~ authority may, at its discretion,
 4 reject all proposals at any point in the process up to
 5 completion of a contract with the proposer.

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

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

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

29 (g) An ~~expressway~~ authority may exercise any power
 30 possessed by it, including eminent domain, to facilitate the
 31 development and construction of transportation projects

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

Barcode 741546

1 pursuant to this subsection. An ~~expressway~~ authority may pay
2 all or part of the cost of operating and maintaining the
3 facility or may provide services to the private entity for
4 which it receives full or partial reimbursement for services
5 rendered.

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

17 Section 48. Section 348.0012, Florida Statutes, is
18 amended to read:

19 348.0012 Exemptions from applicability.--The Florida
20 Expressway Authority Act does not apply:

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

24 (2) To a transportation authority created pursuant to
25 chapter 349.

26 Section 49. Subsection (6) is added to section
27 348.754, Florida Statutes, to read:

28 348.754 Purposes and powers.--

29 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange
30 County Expressway Authority may waive payment and performance
31 bonds on construction contracts for the construction of a

Barcode 741546

1 public building, for the prosecution and completion of a
 2 public work, or for repairs on a public building or public
 3 work that has a cost of \$500,000 or less and when the project
 4 is awarded pursuant to an economic development program for the
 5 encouragement of local small businesses that has been adopted
 6 by the governing body of the Orlando-Orange County Expressway
 7 Authority pursuant to a resolution or policy.

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

- 11 1. Be an independent business.
- 12 2. Be principally domiciled in the Orange County
 13 Standard Metropolitan Statistical Area.
- 14 3. Employ 25 or fewer full-time employees.
- 15 4. Have gross annual sales averaging \$3 million or
 16 less over the immediately preceding 3 calendar years with
 17 regard to any construction element of the program.
- 18 5. Be accepted as a participant in the Orlando-Orange
 19 County Expressway Authority's microcontracts program or such
 20 other small business program as may be hereinafter enacted by
 21 the Orlando-Orange County Expressway Authority.
- 22 6. Participate in an educational curriculum or
 23 technical assistance program for business development that
 24 will assist the small business in becoming eligible for
 25 bonding.

26 (c) The authority's adopted procedures for waiving
 27 payment and performance bonds on projects with values not less
 28 than \$200,000 and not exceeding \$500,000 shall provide that
 29 payment and performance bonds may only be waived on projects
 30 that have been set aside to be competitively bid on by
 31 participants in an economic development program for local

1 small businesses. The authority's executive director or his or
2 her designee shall determine whether specific construction
3 projects are suitable for:

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

6 2. Waiver of the payment and performance bond.
7

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

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

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

Barcode 741546

1 claim pursuant to s. 255.05(9).

2 (e) A small business that has been the successful
3 bidder on six projects for which the payment and performance
4 bond was waived by the authority pursuant to paragraph (a)
5 shall be ineligible to bid on additional projects for which
6 the payment and performance bond is to be waived. The local
7 small business may continue to participate in other elements
8 of the economic development program for local small businesses
9 as long as it is eligible.

10 (f) The authority shall conduct bond eligibility
11 training for businesses qualifying for bond waiver under this
12 subsection to encourage and promote bond eligibility for such
13 businesses.

14 (g) The authority shall prepare a biennial report on
15 the activities undertaken pursuant to this subsection to be
16 submitted to the Orange County legislative delegation. The
17 initial report shall be due December 31, 2010.

18 Section 50. Paragraph (a) of subsection (3) of section
19 163.3177, Florida Statutes, is amended to read:

20 163.3177 Required and optional elements of
21 comprehensive plan; studies and surveys.--

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

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

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

Barcode 741546

1 2. Estimated public facility costs, including a
 2 delineation of when facilities will be needed, the general
 3 location of the facilities, and projected revenue sources to
 4 fund the facilities.

5 3. Standards to ensure the availability of public
 6 facilities and the adequacy of those facilities including
 7 acceptable levels of service.

8 4. Standards for the management of debt.

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

28 6. The schedule must include transportation
 29 improvements included in the applicable metropolitan planning
 30 organization's transportation improvement program adopted
 31 pursuant to s. 339.175(8)(7) to the extent that such

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

Barcode 741546

1 improvements are relied upon to ensure concurrency and
 2 financial feasibility. The schedule must also be coordinated
 3 with the applicable metropolitan planning organization's
 4 long-range transportation plan adopted pursuant to s.
 5 339.175(7)(6).

6 Section 51. Section 339.176, Florida Statutes, is
 7 amended to read:

8 339.176 Voting membership for M.P.O. with boundaries
 9 including certain counties.--In addition to the voting
 10 membership established by s. 339.175(3)(2) and notwithstanding
 11 any other provision of law to the contrary, the voting
 12 membership of any Metropolitan Planning Organization whose
 13 geographical boundaries include any county as defined in s.
 14 125.011(1) must include an additional voting member appointed
 15 by that city's governing body for each city with a population
 16 of 50,000 or more residents.

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

19 341.828 Permitting.--

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

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

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

Barcode 741546

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

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

5 (2) Any alteration of the physical dimensions or
6 location of Red Road, the median strip thereof, the land
7 adjacent thereto, or any part of the original composition of
8 the entranceway, including the towers, the walls, and the
9 lampposts.

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

18 Section 54. Subsection (27) is added to section
19 479.01, Florida Statutes, to read:

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

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

31 Section 55. Section 479.156, Florida Statutes, is

Barcode 741546

1 created to read:

2 479.156 Wall murals.--Notwithstanding any other
3 provision of this chapter, a municipality or county may permit
4 and regulate wall murals within areas designated by such
5 government. If a municipality or county permits wall murals, a
6 wall mural that displays a commercial message and is within
7 660 feet of the nearest edge of the right-of-way within an
8 area adjacent to the interstate highway system or the
9 federal-aid primary highway system shall be located in an area
10 that is zoned for industrial or commercial use and the
11 municipality or county shall establish and enforce regulations
12 for such areas that, at a minimum, set forth criteria
13 governing the size, lighting, and spacing of wall murals
14 consistent with the intent of the Highway Beautification Act
15 of 1965 and with customary use. A wall mural that is subject
16 to municipal or county regulation and the Highway
17 Beautification Act of 1965 must be approved by the Department
18 of Transportation and the Federal Highway Administration and
19 may not violate the agreement between the state and the United
20 States Department of Transportation or violate federal
21 regulations enforced by the Department of Transportation under
22 s. 479.02(1). The existence of a wall mural as defined in s.
23 479.01(27) shall not be considered in determining whether a
24 sign as defined in s. 479.01(17), either existing or new, is
25 in compliance with s. 479.07(9)(a).

26 Section 56. Section 316.1951, Florida Statutes, is
27 amended to read:

28 316.1951 Parking for certain purposes prohibited; sale
29 of motor vehicles; prohibited acts.--

30 (1) It is unlawful for any person to park a motor
31 vehicle, as defined in s. 320.01, ~~for a continuous period in~~

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

Barcode 741546

1 ~~excess of 24 hours, after written notice,~~ upon a public street
 2 or highway, upon a public parking lot, or other public
 3 property, or upon private property where the public has the
 4 right to travel by motor vehicle, for the principal purpose
 5 and intent of displaying the motor vehicle thereon for sale,
 6 hire, or rental unless the sale, hire, or rental of the motor
 7 vehicle is specifically authorized on such property by
 8 municipal or county regulation ~~and the person is duly licensed~~
 9 ~~as a motor vehicle dealer in accordance with s. 320.27,~~ and
 10 the person is in compliance with all municipal or county
 11 licensing regulations.

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

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

29 ~~(4)(3)~~ The Department of Highway Safety and Motor
 30 Vehicles shall adopt by rule a uniform written notice to be
 31 used to enforce this section. Each law enforcement agency in

Barcode 741546

1 this state shall provide, at each agency's expense, the notice
2 forms necessary to enforce this section.

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

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

23 (7) It is unlawful to knowingly attach to any motor
24 vehicle a registration that was not assigned or lawfully
25 transferred to the vehicle pursuant to s. 320.261. A vehicle
26 found in violation of this subsection is subject to immediate
27 removal without warning.

28 (8) It is unlawful to display or offer for sale a
29 vehicle that does not have a valid registration as provided in
30 s. 320.02. A vehicle found in violation of this subsection is
31 subject to immediate removal without warning. This subsection

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

Barcode 741546

1 does not apply to vehicles and recreational vehicles being
2 offered for sale through motor vehicle auctions as defined in
3 s. 320.27(1)(c)4.

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

8 ~~(10)(5)~~ Any other provision of law to the contrary
9 notwithstanding, a violation of subsection (1) shall subject
10 the owner of such motor vehicle to towing fees reasonably
11 necessitated by removal and storage of the motor vehicle.

12 ~~(11)(6)~~ This section does not prohibit the governing
13 body of a municipality or county, with respect to streets,
14 highways, or other property under its jurisdiction, from
15 regulating the parking of motor vehicles for any purpose.

16 ~~(12)(7)~~ A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318, unless otherwise mandated by general
19 law.

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

21
22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26
27 and insert:

28 A bill to be entitled

29 An act relating to transportation; amending s.

30 20.23, F.S.; requiring the commission to

31 monitor transportation authorities and conduct

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

Barcode 741546

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

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

Barcode 741546

1 M.P.O. to file and maintain an action in court
2 to require an employer to remit retirement or
3 social security member contributions or
4 employer matching payments; amending s.
5 121.081, F.S.; providing for M.P.O. officers
6 and staff to claim credit for past service for
7 retirement benefits; creating s. 163.3182,
8 F.S.; providing for the creation of
9 transportation concurrency backlog authorities;
10 providing powers and responsibilities of such
11 authorities; providing for transportation
12 concurrency backlog plans; providing for the
13 issuance of revenue bonds for certain purposes;
14 providing for the establishment of a local
15 trust fund within each county or municipality
16 having an identified transportation concurrency
17 backlog; providing exemptions from
18 transportation concurrency requirements;
19 providing for the satisfaction of concurrency
20 requirements; providing for dissolution of
21 transportation concurrency backlog authorities;
22 amending s. 212.055, F.S.; renaming the charter
23 county transit system surtax; expanding
24 eligibility to levy the surtax to all charter
25 counties; deleting a provision prohibiting a
26 school district, county, or municipality from
27 issuing bonds more than once each year pledging
28 the proceeds of certain discretionary taxes;
29 amending s. 215.615, F.S.; revising the
30 Department of Transportation's requirement to
31 share certain costs of fixed-guideway system

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

Barcode 741546

1 projects; revising criteria for an interlocal
2 agreement to establish bond financing for
3 fixed-guideway system projects; revising
4 provisions for sources of funds for the payment
5 of bonds; amending s. 311.22, F.S.; revising
6 funding for certain dredging projects; amending
7 s. 316.2123, F.S.; authorizing a county to
8 designate certain unpaved roadways where an ATV
9 may be operated; providing conditions for such
10 operation; amending s. 316.605, F.S.; providing
11 height and placement requirements for vehicle
12 license plates; prohibiting display that
13 obscures identification of the letters and
14 numbers on a license plate; providing
15 penalties; amending s. 316.650, F.S.; revising
16 procedures for disposition of citations issued
17 for failure to pay toll; providing that the
18 citation will not be submitted to the court and
19 no points will be assessed on the driver's
20 license if the person cited elects to make
21 payment directly to the governmental entity
22 that issued the citation; providing for
23 reporting of the citation by the governmental
24 entity to the Department of Highway Safety and
25 Motor Vehicles; amending s. 318.14, F.S.;
26 providing for the amount required to be paid
27 under certain procedures for disposition of a
28 citation issued for failure to pay toll;
29 providing for the person cited to request a
30 court hearing; amending s. 318.18, F.S.;
31 revising penalties for failure to pay a

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

Barcode 741546

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

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

Barcode 741546

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

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

Barcode 741546

1 or denying a land use zoning change,
2 comprehensive plan amendment, land use permit,
3 ordinance, or order regarding construction
4 aggregate materials without considering
5 information provided by the Department of
6 Transportation and considering the effect of
7 such decision; prohibiting an agency from
8 imposing a moratorium on the mining and
9 extraction of construction aggregate materials
10 of longer than a specified period; providing
11 that limerock environmental resource permitting
12 and reclamation applications are eligible to be
13 expedited; establishing the Strategic
14 Aggregates Review Task Force; providing for
15 membership, staffing, reporting, and
16 expiration; providing for support and the
17 coordination of data and information for the
18 task force; requiring that the task force
19 report its findings to the Governor and the
20 Legislature; providing report requirements;
21 providing for the dissolution of the task
22 force; creating s. 337.026, F.S.; authorizing
23 the Department of Transportation to pursue
24 procurement techniques relating to construction
25 aggregate materials; authorizing the department
26 to enter into agreements for construction
27 aggregate materials; providing exceptions;
28 providing requirements for such exceptions;
29 amending s. 337.11, F.S.; providing that
30 certain construction projects be advertised for
31 bids in local newspapers; amending s. 337.14,

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

Barcode 741546

1 F.S.; authorizing the department to waive
2 specified prequalification requirements for
3 certain transportation projects under certain
4 conditions; amending s. 337.18, F.S.; revising
5 surety bond requirements for construction or
6 maintenance contracts; providing for
7 incremental annual surety bonds for multiyear
8 maintenance contracts under certain conditions;
9 revising the threshold for transportation
10 projects eligible for a waiver of surety bond
11 requirements; authorizing the department to
12 provide for phased surety bond coverage or an
13 alternate means of security for a portion of
14 the contract amount in lieu of the surety bond;
15 amending s. 338.161, F.S.; providing for the
16 Department of Transportation and certain toll
17 agencies to enter into agreements with public
18 or private entities for additional uses of
19 electronic toll collection products and
20 services; authorizing feasibility studies by
21 the department or a toll agency of additional
22 uses of electronic toll devices for legislative
23 consideration; amending s. 338.2275, F.S.;
24 raising the limit on outstanding bonds to fund
25 turnpike projects; removing a provision
26 authorizing the department to acquire the
27 Sawgrass Expressway from the Broward County
28 Expressway Authority; amending s. 338.231,
29 F.S.; extending the timeframe for application
30 of requirement that the department program in
31 the tentative work program certain funds

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

Barcode 741546

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

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

Barcode 741546

1 for the training of certain persons who serve
2 on an M.P.O. for certain purposes; requiring
3 that certain plans, programs, and amendments
4 that affect projects be approved by each M.P.O.
5 on a recorded roll call vote, or hand-counted
6 vote, of a majority of the membership present;
7 amending s. 339.2819, F.S.; revising the share
8 of matching funds for a public transportation
9 project provided from the Transportation
10 Regional Incentive Program; creating s.
11 339.282, F.S.; providing legislative findings;
12 providing that property owners or developers
13 who voluntarily contribute right-of-way and
14 physically construct or expand a state
15 transportation facility or segment may receive
16 certain credits against any future
17 transportation concurrency requirements under
18 certain conditions; creating s. 339.285, F.S.;
19 creating the Enhanced Bridge Program for
20 Sustainable Transportation within the
21 Department of Transportation; providing for the
22 use of funds in the program; providing project
23 guidelines for program funding; amending s.
24 339.55, F.S.; providing for the use of State
25 Infrastructure Bank loans for certain damaged
26 transportation facilities in areas officially
27 declared to be in a state of emergency;
28 providing criteria; amending s. 341.071, F.S.;
29 requiring certain public transit providers to
30 annually report potential productivity and
31 performance enhancements; amending s. 343.81,

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

Barcode 741546

1 F.S.; prohibiting elected officials from
2 serving on the Northwest Florida Transportation
3 Corridor Authority; providing for application
4 of the prohibition to apply to persons
5 appointed to serve on the authority after a
6 certain date; amending s. 343.82, F.S.;
7 directing the authority to plan for and study
8 the feasibility of constructing, operating, and
9 maintaining a bridge or bridges, and
10 appurtenant structures, spanning Choctawhatchee
11 Bay or Santa Rosa Sound; authorizing the
12 authority to construct, operate, and maintain
13 said bridges and structures; amending s.
14 334.30, F.S.; authorizing the Department of
15 Transportation to enter into agreements with
16 private entities for the building, operation,
17 ownership, or financing of transportation
18 facilities; revising criteria for approving
19 agreements; amending s. 338.234, F.S.; granting
20 the Florida Turnpike Enterprise, its lessees,
21 and licensees an exemption from paying
22 commercial rental tax on capital improvements;
23 amending s. 348.0004, F.S.; authorizing certain
24 transportation-related authorities to enter
25 into agreements with private entities for the
26 building, operation, ownership, or financing of
27 transportation facilities; amending s.
28 348.0012, F.S.; revising provisions for certain
29 exemptions from the Florida Expressway
30 Authority Act; amending s. 348.754, F.S.;

31 authorizing the Orlando-Orange County

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

Barcode 741546

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

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

Barcode 741546

1 consistent with specified criteria; requiring
2 the Department of Transportation to approve a
3 wall mural under certain conditions; amending
4 s. 316.1951, F.S.; revising provisions relating
5 to parking vehicles on public property for the
6 purpose of displaying the vehicles for sale,
7 hire, or rental; providing exceptions;
8 prohibiting certain acts in the sale of motor
9 vehicles; providing an effective date.

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