

1 A bill to be entitled
2 An act relating to transportation and infrastructure;
3 amending s. 20.23, F.S.; providing that the salary and
4 benefits of the executive director of the Florida
5 Transportation Commission shall be set in accordance with
6 the Senior Management Service; revising qualifications for
7 district secretaries and the turnpike executive director;
8 amending s. 112.061, F.S.; authorizing metropolitan
9 planning organizations and certain separate entities to
10 establish per diem and travel reimbursement rates;
11 amending s. 121.021, F.S.; defining the term "metropolitan
12 planning organization" for purposes of the Florida
13 Retirement System Act; revising definitions to include
14 M.P.O.'s and positions in M.P.O.'s; amending s. 121.051,
15 F.S.; providing for M.P.O.'s to participate in the Florida
16 Retirement System; amending s. 121.055, F.S.; requiring
17 certain M.P.O. staff positions to be in the Senior
18 Management Service Class; amending s. 121.061, F.S.;
19 providing for enforcement of certain employer funding
20 contributions required under the Florida Retirement
21 System; authorizing deductions of amounts owed from
22 certain funds distributed to an M.P.O.; authorizing the
23 governing body of an M.P.O. to file and maintain an action
24 in court to require an employer to remit retirement or
25 social security member contributions or employer matching
26 payments; amending s. 121.081, F.S.; providing for M.P.O.
27 officers and staff to claim credit for past service for
28 retirement benefits; amending s. 212.055, F.S.; deleting a

29 prohibition against local governments issuing certain
30 bonds secured by revenues from local infrastructure taxes
31 more than once a year; amending s. 215.615, F.S.; revising
32 the Department of Transportation's requirement to share
33 certain costs of fixed-guideway system projects; revising
34 criteria for an interlocal agreement to establish bond
35 financing for fixed-guideway system projects; revising
36 provisions for sources of funds for the payment of bonds;
37 amending s. 255.20, F.S.; revising the cost amounts of
38 certain local public works projects at which certain
39 requirements shall apply; amending s. 316.2123, F.S.;
40 authorizing a county to designate certain unpaved roadways
41 where an ATV may be operated; providing conditions for
42 such operation; amending s. 316.605, F.S.; providing
43 height and placement requirements for vehicle license
44 plates; prohibiting display that obscures identification
45 of the letters and numbers on a license plate; providing
46 penalties; amending s. 316.650, F.S.; revising procedures
47 for disposition of citations issued for failure to pay
48 toll; providing that the citation will not be submitted to
49 the court and no points will be assessed on the driver's
50 license if the person cited elects to make payment
51 directly to the governmental entity that issued the
52 citation; providing for reporting of the citation by the
53 governmental entity to the Department of Highway Safety
54 and Motor Vehicles; amending s. 318.14, F.S.; providing
55 for the amount required to be paid under certain
56 procedures for disposition of a citation issued for

57 failure to pay toll; providing for the person cited to
58 request a court hearing; amending s. 318.18, F.S.;
59 revising penalties for failure to pay a prescribed toll;
60 providing for disposition of amounts received by the clerk
61 of court; removing procedures for withholding of
62 adjudication; providing for suspension of a driver's
63 license under certain circumstances; amending s. 320.061,
64 F.S.; prohibiting interfering with the legibility, angular
65 visibility, or detectability of any feature or detail on a
66 license plate or interfering with the ability to
67 photograph or otherwise record any feature or detail on a
68 license plate; providing penalties; amending s. 332.007,
69 F.S.; authorizing the Department of Transportation to
70 provide funds for certain general aviation projects under
71 certain circumstances; extending the timeframe that the
72 department is authorized to provide operational and
73 maintenance assistance to certain airports and may
74 redirect the use of certain funds to security-related or
75 economic-impact projects related to the events of
76 September 11, 2001; amending s. 332.14, F.S.; providing
77 that certain members of the Secure Airports for Florida's
78 Economy Council shall be nonvoting members; amending s.
79 336.025, F.S.; deleting a prohibition against local
80 governments issuing certain bonds secured by revenues from
81 local option fuel taxes more than once a year; amending s.
82 336.41, F.S.; revising an exception to competitive-bid
83 requirements for certain county road construction and
84 reconstruction projects; increasing the value threshold

85 | under which the exception applies; amending s. 337.11,
86 | F.S.; providing that certain construction projects be
87 | advertised for bids in local newspapers; amending s.
88 | 337.14, F.S.; authorizing the department to waive
89 | specified prequalification requirements for certain
90 | transportation projects under certain conditions; amending
91 | s. 337.18, F.S.; revising surety bond requirements for
92 | construction or maintenance contracts; providing for
93 | incremental annual surety bonds for multiyear maintenance
94 | contracts under certain conditions; revising the threshold
95 | for transportation projects eligible for a waiver of
96 | surety bond requirements; authorizing the department to
97 | provide for phased surety bond coverage or an alternate
98 | means of security for a portion of the contract amount in
99 | lieu of the surety bond; amending s. 338.155, F.S.;
100 | providing for a law enforcement officer operating an
101 | unmarked official vehicle to be exempt from toll payments
102 | under certain conditions; amending s. 338.161, F.S.;
103 | providing for the Department of Transportation and certain
104 | toll agencies to enter into agreements with public or
105 | private entities for additional uses of electronic toll
106 | collection products and services; authorizing feasibility
107 | studies by the department or a toll agency of additional
108 | uses of electronic toll devices for legislative
109 | consideration; amending s. 338.2275, F.S.; raising the
110 | limit on outstanding bonds to fund turnpike projects;
111 | removing a provision authorizing the department to acquire
112 | the Sawgrass Expressway from the Broward County Expressway

113 Authority; amending s. 338.231, F.S.; authorizing the
114 department to set certain fees for the collection of
115 unpaid tolls; requiring public notice and public hearing
116 of the proposed fees; removing a reference to conform;
117 amending s. 339.175, F.S.; revising intent; providing the
118 method of creation and operation of M.P.O.'s required to
119 be designated pursuant to federal law; specifying that an
120 M.P.O. is separate from the state or the governing body of
121 a local government that is represented on the governing
122 board of the M.P.O. or that is a signatory to the
123 interlocal agreement creating the M.P.O.; providing
124 specified powers and privileges to the M.P.O.; providing
125 for the designation and duties of certain officials;
126 revising requirements for voting membership; defining the
127 term "elected officials of a general-purpose local
128 government" to exclude certain constitutional officers for
129 voting membership purposes; providing for the appointment
130 of alternates and advisers; providing that members of an
131 M.P.O. technical advisory committee shall serve at the
132 pleasure of the M.P.O.; providing for the appointment of
133 an executive or staff director and other personnel;
134 authorizing an M.P.O. to enter into contracts with public
135 or private entities to accomplish its duties and
136 functions; providing for the training of certain persons
137 who serve on an M.P.O. for certain purposes; requiring
138 that certain plans, programs, and amendments that affect
139 projects be approved by each M.P.O. on a recorded roll
140 call vote, or hand-counted vote, of a majority of the

141 membership present; amending s. 339.2819, F.S.; revising
142 the share of matching funds for a public transportation
143 project provided from the Transportation Regional
144 Incentive Program; creating s. 339.282, F.S.; providing
145 for certain transportation-related contributions by a
146 property owner or developer to be applied toward future
147 transportation concurrency requirements; amending s.
148 339.55, F.S.; providing for the use of State
149 Infrastructure Bank loans for certain damaged
150 transportation facilities in areas officially declared to
151 be in a state of emergency; providing criteria; amending
152 s. 343.81, F.S.; prohibiting elected officials from
153 serving on the Northwest Florida Transportation Corridor
154 Authority; providing for application of the prohibition to
155 apply to persons appointed to serve on the authority after
156 a certain date; amending s. 343.82, F.S.; directing the
157 authority to plan for and study the feasibility of
158 constructing, operating, and maintaining a bridge or
159 bridges, and appurtenant structures, spanning
160 Choctawhatchee Bay or Santa Rosa Sound; authorizing the
161 authority to construct, operate, and maintain said bridges
162 and structures; amending s. 348.0004, F.S.; authorizing
163 certain transportation-related authorities to enter into
164 agreements with private entities for the building,
165 operation, ownership, or financing of transportation
166 facilities; amending s. 348.0012, F.S.; revising
167 provisions for certain exemptions from the Florida
168 Expressway Authority Act; amending s. 348.243, F.S.;

169 | correcting a cross-reference; amending s. 348.754, F.S.;
170 | authorizing the Orlando-Orange County Expressway Authority
171 | to waive payment and performance bonds on certain
172 | construction contracts if the contract is awarded pursuant
173 | to an economic development program for the encouragement
174 | of local small businesses; providing criteria for
175 | participation in the program; providing criteria for the
176 | bond waiver; providing for certain determinations by the
177 | authority's executive director or a designee as to the
178 | suitability of a project; providing for certain payment
179 | obligations if a payment and performance bond is waived;
180 | requiring the authority to record notice of the
181 | obligation; limiting eligibility to bid on the projects;
182 | providing for the authority to conduct bond eligibility
183 | training for certain businesses; requiring the authority
184 | to submit biennial reports to the Orange County
185 | legislative delegation; amending ss. 163.3177, 339.176,
186 | and 341.828, F.S.; correcting cross-references; amending
187 | s.2, ch. 89-383, Laws of Florida; providing for certain
188 | alterations to and along Red Road in Miami-Dade County for
189 | transportation safety purposes; providing an effective
190 | date.

191

192 | Be It Enacted by the Legislature of the State of Florida:

193

194 | Section 1. Paragraph (h) of subsection (2) and paragraph
195 | (a) of subsection (4) of section 20.23, Florida Statutes, are
196 | amended to read:

197 20.23 Department of Transportation.--There is created a
 198 Department of Transportation which shall be a decentralized
 199 agency.

200 (2)

201 (h) The commission shall appoint an executive director and
 202 assistant executive director, who shall serve under the
 203 direction, supervision, and control of the commission. The
 204 executive director, with the consent of the commission, shall
 205 employ such staff as are necessary to perform adequately the
 206 functions of the commission, within budgetary limitations. All
 207 employees of the commission are exempt from part II of chapter
 208 110 and shall serve at the pleasure of the commission. The
 209 salaries and benefits of all employees of the commission, except
 210 for the executive director, shall be set in accordance with the
 211 Selected Exempt Service; ~~provided,~~ however, ~~that~~ the salary and
 212 benefits of the executive director shall be set in accordance
 213 with the Senior Management Service. The commission shall have
 214 complete authority for fixing the salary of the executive
 215 director and assistant executive director.

216 (4) (a) The operations of the department shall be organized
 217 into seven districts, each headed by a district secretary and a
 218 turnpike enterprise, headed by an executive director. The
 219 district secretaries and the turnpike executive director shall
 220 be registered professional engineers in accordance with the
 221 provisions of chapter 471 or, in lieu of professional engineer
 222 registration, a district secretary or turnpike executive
 223 director may hold an advanced degree in an appropriate related
 224 discipline, such as a Master of Business Administration, or may

225 have a minimum of 5 years of senior-level business managerial
 226 experience. The headquarters of the districts shall be located
 227 in Polk, Columbia, Washington, Broward, Volusia, Dade, and
 228 Hillsborough Counties. The headquarters of the turnpike
 229 enterprise shall be located in Orange County. In order to
 230 provide for efficient operations and to expedite the
 231 decisionmaking process, the department shall provide for maximum
 232 decentralization to the districts.

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

235 112.061 Per diem and travel expenses of public officers,
 236 employees, and authorized persons.--

237 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 238 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 239 ORGANIZATIONS.--

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

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

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

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

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

256 5. Any metropolitan planning organization created pursuant
 257 to s. 339.175 or any other separate legal or administrative
 258 entity created pursuant to s. 339.175 of which a metropolitan
 259 planning organization is a member, by the enactment of a
 260 resolution.

261 (b) Rates established pursuant to paragraph (a) must apply
 262 uniformly to all travel by the county, county constitutional
 263 officer and entity governed by that officer, district school
 264 board, ~~or~~ special district, or metropolitan planning
 265 organization.

266 (c) Except as otherwise provided in this subsection,
 267 counties, county constitutional officers and entities governed
 268 by those officers, district school boards, ~~and~~ special
 269 districts, and metropolitan planning organizations, other than
 270 those subject to s. 166.021(10), remain subject to the
 271 requirements of this section.

272 Section 3. Subsection (11), paragraph (a) of subsection
 273 (42), and paragraph (b) of subsection (52) of section 121.021,
 274 Florida Statutes, are amended, and subsection (62) is added to
 275 that section, to read:

276 121.021 Definitions.--The following words and phrases as
 277 used in this chapter have the respective meanings set forth
 278 unless a different meaning is plainly required by the context:

279 (11) "Officer or employee" means any person receiving
 280 salary payments for work performed in a regularly established

281 position and, if employed by a city, a metropolitan planning
 282 organization, or a special district, employed in a covered
 283 group.

284 (42) (a) "Local agency employer" means the board of county
 285 commissioners or other legislative governing body of a county,
 286 however styled, including that of a consolidated or metropolitan
 287 government; a clerk of the circuit court, sheriff, property
 288 appraiser, tax collector, or supervisor of elections, provided
 289 such officer is elected or has been appointed to fill a vacancy
 290 in an elective office; a community college board of trustees or
 291 district school board; or the governing body of any city,
 292 metropolitan planning organization created pursuant to s.
 293 339.175 or any other separate legal or administrative entity
 294 created pursuant to s. 339.175, or special district of the state
 295 which participates in the system for the benefit of certain of
 296 its employees.

297 (52) "Regularly established position" is defined as
 298 follows:

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

304 (62) "Metropolitan planning organization" means an entity
 305 created by an interlocal agreement pursuant to s. 339.175 or any
 306 other entity created pursuant to s. 339.175.

307 Section 4. Paragraph (b) of subsection (2) of section
 308 121.051, Florida Statutes, is amended to read:

309 121.051 Participation in the system.--
310 (2) OPTIONAL PARTICIPATION.--
311 (b)1. The governing body of any municipality, metropolitan
312 planning organization, or special district in the state may
313 elect to participate in the system upon proper application to
314 the administrator and may cover all or any of its units as
315 approved by the Secretary of Health and Human Services and the
316 administrator. The department shall adopt rules establishing
317 provisions for the submission of documents necessary for such
318 application. Prior to being approved for participation in the
319 Florida Retirement System, the governing body of any such
320 municipality, metropolitan planning organization, or special
321 district that has a local retirement system shall submit to the
322 administrator a certified financial statement showing the
323 condition of the local retirement system as of a date within 3
324 months prior to the proposed effective date of membership in the
325 Florida Retirement System. The statement must be certified by a
326 recognized accounting firm that is independent of the local
327 retirement system. All required documents necessary for
328 extending Florida Retirement System coverage must be received by
329 the department for consideration at least 15 days prior to the
330 proposed effective date of coverage. If the municipality,
331 metropolitan planning organization, or special district does not
332 comply with this requirement, the department may require that
333 the effective date of coverage be changed.
334 2. Any city, metropolitan planning organization, or
335 special district that has an existing retirement system covering
336 the employees in the units that are to be brought under the

337 Florida Retirement System may participate only after holding a
338 referendum in which all employees in the affected units have the
339 right to participate. Only those employees electing coverage
340 under the Florida Retirement System by affirmative vote in said
341 referendum shall be eligible for coverage under this chapter,
342 and those not participating or electing not to be covered by the
343 Florida Retirement System shall remain in their present systems
344 and shall not be eligible for coverage under this chapter. After
345 the referendum is held, all future employees shall be compulsory
346 members of the Florida Retirement System.

347 3. The governing body of any city, metropolitan planning
348 organization, or special district complying with subparagraph 1.
349 may elect to provide, or not provide, benefits based on past
350 service of officers and employees as described in s. 121.081(1).
351 However, if such employer elects to provide past service
352 benefits, such benefits must be provided for all officers and
353 employees of its covered group.

354 4. Once this election is made and approved it may not be
355 revoked, except pursuant to subparagraphs 5. and 6., and all
356 present officers and employees electing coverage under this
357 chapter and all future officers and employees shall be
358 compulsory members of the Florida Retirement System.

359 5. Subject to the conditions set forth in subparagraph 6.,
360 the governing body of any hospital licensed under chapter 395
361 which is governed by the board of a special district as defined
362 in s. 189.403(1) or by the board of trustees of a public health
363 trust created under s. 154.07, hereinafter referred to as
364 "hospital district," and which participates in the system, may

365 elect to cease participation in the system with regard to future
366 employees in accordance with the following procedure:

367 a. No more than 30 days and at least 7 days before
368 adopting a resolution to partially withdraw from the Florida
369 Retirement System and establish an alternative retirement plan
370 for future employees, a public hearing must be held on the
371 proposed withdrawal and proposed alternative plan.

372 b. From 7 to 15 days before such hearing, notice of intent
373 to withdraw, specifying the time and place of the hearing, must
374 be provided in writing to employees of the hospital district
375 proposing partial withdrawal and must be published in a
376 newspaper of general circulation in the area affected, as
377 provided by ss. 50.011-50.031. Proof of publication of such
378 notice shall be submitted to the Department of Management
379 Services.

380 c. The governing body of any hospital district seeking to
381 partially withdraw from the system must, before such hearing,
382 have an actuarial report prepared and certified by an enrolled
383 actuary, as defined in s. 112.625(3), illustrating the cost to
384 the hospital district of providing, through the retirement plan
385 that the hospital district is to adopt, benefits for new
386 employees comparable to those provided under the Florida
387 Retirement System.

388 d. Upon meeting all applicable requirements of this
389 subparagraph, and subject to the conditions set forth in
390 subparagraph 6., partial withdrawal from the system and adoption
391 of the alternative retirement plan may be accomplished by
392 resolution duly adopted by the hospital district board. The

393 hospital district board must provide written notice of such
394 withdrawal to the division by mailing a copy of the resolution
395 to the division, postmarked no later than December 15, 1995. The
396 withdrawal shall take effect January 1, 1996.

397 6. Following the adoption of a resolution under sub-
398 subparagraph 5.d., all employees of the withdrawing hospital
399 district who were participants in the Florida Retirement System
400 prior to January 1, 1996, shall remain as participants in the
401 system for as long as they are employees of the hospital
402 district, and all rights, duties, and obligations between the
403 hospital district, the system, and the employees shall remain in
404 full force and effect. Any employee who is hired or appointed on
405 or after January 1, 1996, may not participate in the Florida
406 Retirement System, and the withdrawing hospital district shall
407 have no obligation to the system with respect to such employees.

408 Section 5. Paragraph (1) is added to subsection (1) of
409 section 121.055, Florida Statutes, to read:

410 121.055 Senior Management Service Class.--There is hereby
411 established a separate class of membership within the Florida
412 Retirement System to be known as the "Senior Management Service
413 Class," which shall become effective February 1, 1987.

414 (1)

415 (1) For each metropolitan planning organization that has
416 opted to become part of the Florida Retirement System,
417 participation in the Senior Management Service Class shall be
418 compulsory for the executive director or staff director of that
419 metropolitan planning organization.

420 Section 6. Paragraphs (a) and (c) of subsection (2) of

421 section 121.061, Florida Statutes, are amended to read:

422 121.061 Funding.--

423 (2) (a) Should any employer other than a state employer
 424 fail to make the retirement and social security contributions,
 425 both member and employer contributions, required by this
 426 chapter, then, upon request by the administrator, the Department
 427 of Revenue or the Department of Financial Services, as the case
 428 may be, shall deduct the amount owed by the employer from any
 429 funds to be distributed by it to the county, city, metropolitan
 430 planning organization, special district, or consolidated form of
 431 government. The amounts so deducted shall be transferred to the
 432 administrator for further distribution to the trust funds in
 433 accordance with this chapter.

434 (c) The governing body of each county, city, metropolitan
 435 planning organization, special district, or consolidated form of
 436 government participating under this chapter or the
 437 administrator, acting individually or jointly, is hereby
 438 authorized to file and maintain an action in the courts of the
 439 state to require any employer to remit any retirement or social
 440 security member contributions or employer matching payments due
 441 the retirement or social security trust funds under the
 442 provisions of this chapter.

443 Section 7. Paragraphs (a), (b), and (e) of subsection (1)
 444 of section 121.081, Florida Statutes, are amended to read:

445 121.081 Past service; prior service;
 446 contributions.--Conditions under which past service or prior
 447 service may be claimed and credited are:

448 (1) (a) Past service, as defined in s. 121.021(18), may be

449 | claimed as creditable service by officers or employees of a
450 | city, metropolitan planning organization, or special district
451 | that become a covered group under this system. The governing
452 | body of a covered group in compliance with s. 121.051(2)(b) may
453 | elect to provide benefits with respect to past service earned
454 | prior to January 1, 1975, in accordance with this chapter, and
455 | the cost for such past service shall be established by applying
456 | the following formula: The member contribution for both regular
457 | and special risk members shall be 4 percent of the gross annual
458 | salary for each year of past service claimed, plus 4-percent
459 | employer matching contribution, plus 4 percent interest thereon
460 | compounded annually, figured on each year of past service, with
461 | interest compounded from date of annual salary earned until July
462 | 1, 1975, and 6.5 percent interest compounded annually thereafter
463 | until date of payment. Once the total cost for a member has been
464 | figured to date, then after July 1, 1975, 6.5 percent compounded
465 | interest shall be added each June 30 thereafter on any unpaid
466 | balance until the cost of such past service liability is paid in
467 | full. The following formula shall be used in calculating past
468 | service earned prior to January 1, 1975: (Annual gross salary
469 | multiplied by 8 percent) multiplied by the 4 percent or 6.5
470 | percent compound interest table factor, as may be applicable.
471 | The resulting product equals cost to date for each particular
472 | year of past service.

473 | (b) Past service earned after January 1, 1975, may be
474 | claimed by officers or employees of a city, metropolitan
475 | planning organization, or special district that becomes a
476 | covered group under this system. The governing body of a covered

477 group may elect to provide benefits with respect to past service
478 earned after January 1, 1975, in accordance with this chapter,
479 and the cost for such past service shall be established by
480 applying the following formula: The employer shall contribute an
481 amount equal to the contribution rate in effect at the time the
482 service was earned, multiplied by the employee's gross salary
483 for each year of past service claimed, plus 6.5 percent interest
484 thereon, compounded annually, figured on each year of past
485 service, with interest compounded from date of annual salary
486 earned until date of payment.

487 (e) Past service, as defined in s. 121.021(18), may be
488 claimed as creditable service by a member of the Florida
489 Retirement System who formerly was an officer or employee of a
490 city, metropolitan planning organization, or special district,
491 notwithstanding the status or form of the retirement system, if
492 any, of that city, metropolitan planning organization, or
493 special district and irrespective of whether officers or
494 employees of that city, metropolitan planning organization, or
495 special district now or hereafter become a covered group under
496 the Florida Retirement System. Such member may claim creditable
497 service and be entitled to the benefits accruing to the regular
498 class of members as provided for the past service claimed under
499 this paragraph by paying into the retirement trust fund an
500 amount equal to the total actuarial cost of providing the
501 additional benefit resulting from such past-service credit,
502 discounted by the applicable actuarial factors to date of
503 retirement.

504 Section 8. Paragraph (e) of subsection (2) of section

505 212.055, Florida Statutes, is amended to read:

506 212.055 Discretionary sales surtaxes; legislative intent;
 507 authorization and use of proceeds.--It is the legislative intent
 508 that any authorization for imposition of a discretionary sales
 509 surtax shall be published in the Florida Statutes as a
 510 subsection of this section, irrespective of the duration of the
 511 levy. Each enactment shall specify the types of counties
 512 authorized to levy; the rate or rates which may be imposed; the
 513 maximum length of time the surtax may be imposed, if any; the
 514 procedure which must be followed to secure voter approval, if
 515 required; the purpose for which the proceeds may be expended;
 516 and such other requirements as the Legislature may provide.
 517 Taxable transactions and administrative procedures shall be as
 518 provided in s. 212.054.

519 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

520 (e) School districts, counties, and municipalities
 521 receiving proceeds under the provisions of this subsection may
 522 pledge such proceeds for the purpose of servicing new bond
 523 indebtedness incurred pursuant to law. Local governments may use
 524 the services of the Division of Bond Finance of the State Board
 525 of Administration pursuant to the State Bond Act to issue any
 526 bonds through the provisions of this subsection. ~~In no case may~~
 527 ~~a jurisdiction issue bonds pursuant to this subsection more~~
 528 ~~frequently than once per year.~~ Counties and municipalities may
 529 join together for the issuance of bonds authorized by this
 530 subsection.

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

533 215.615 Fixed-guideway transportation systems funding.--

534 (1) The issuance of revenue bonds by the Division of Bond

535 Finance, on behalf of the Department of Transportation, pursuant

536 to s. 11, Art. VII of the State Constitution, is authorized,

537 pursuant to the State Bond Act, to finance or refinance fixed

538 capital expenditures for fixed-guideway transportation systems,

539 as defined in s. 341.031, including facilities appurtenant

540 thereto, costs of issuance, and other amounts relating to such

541 financing or refinancing. ~~Such revenue bonds shall be matched on~~

542 ~~a 50-50 basis with funds from sources other than revenues of the~~

543 ~~Department of Transportation, in a manner acceptable to the~~

544 ~~Department of Transportation.~~ The Division of Bond Finance is

545 authorized to consider innovative financing techniques,

546 ~~technologies~~ which may include, but are not limited to,

547 innovative bidding and structures of potential financings

548 ~~findings~~ that may result in negotiated transactions. The

549 following conditions apply to the issuance of revenue bonds for

550 fixed-guideway transportation systems:

551 (a) The department and any participating commuter rail

552 authority or regional transportation authority established under

553 chapter 343, local governments, or local governments

554 collectively by interlocal agreement having jurisdiction of a

555 fixed-guideway transportation system may enter into an

556 interlocal agreement to promote the efficient and cost-effective

557 financing or refinancing of fixed-guideway transportation system

558 projects by revenue bonds issued pursuant to this subsection.

559 The terms of such interlocal agreements shall include provisions

560 for the Department of Transportation to request the issuance of

561 the bonds on behalf of the parties; shall provide that after
562 reimbursement pursuant to interlocal agreement, the department's
563 share may be up to 50 percent of the eligible project cost,
564 which may include a share of annual ~~each party to the agreement~~
565 ~~is contractually liable for an equal share of funding an amount~~
566 ~~equal to the~~ debt service requirements of such bonds; and shall
567 include any other terms, provisions, or covenants necessary to
568 the making of and full performance under such interlocal
569 agreement. Repayments made to the department under any
570 interlocal agreement are not pledged to the repayment of bonds
571 issued hereunder, and failure of the local governmental
572 authority to make such payment shall not affect the obligation
573 of the department to pay debt service on the bonds.

574 (b) Revenue bonds issued pursuant to this subsection shall
575 not constitute a general obligation of, or a pledge of the full
576 faith and credit of, the State of Florida. Bonds issued pursuant
577 to this section shall be payable from funds available pursuant
578 to s. 206.46(3), or other funds available to the project,
579 subject to annual appropriation. The amount of revenues
580 available for debt service shall never exceed a maximum of 2
581 percent of all state revenues deposited into the State
582 Transportation Trust Fund.

583 (c) The projects to be financed or refinanced with the
584 proceeds of the revenue bonds issued hereunder are designated as
585 state fixed capital outlay projects for purposes of s. 11(d),
586 Art. VII of the State Constitution, and the specific projects to
587 be financed or refinanced shall be determined by the Department
588 of Transportation in accordance with state law and

589 appropriations from the State Transportation Trust Fund. Each
590 project to be financed with the proceeds of the bonds issued
591 pursuant to this subsection must first be approved by the
592 Legislature by an act of general law.

593 (d) Any complaint for validation of bonds issued pursuant
594 to this section shall be filed in the circuit court of the
595 county where the seat of state government is situated, the
596 notice required to be published by s. 75.06 shall be published
597 only in the county where the complaint is filed, and the
598 complaint and order of the circuit court shall be served only on
599 the state attorney of the circuit in which the action is
600 pending.

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

607 (f) This subsection supersedes any inconsistent provisions
608 in existing law.

609
610 Notwithstanding this subsection, the lien of revenue bonds
611 issued pursuant to this subsection on moneys deposited into the
612 State Transportation Trust Fund shall be subordinate to the lien
613 on such moneys of bonds issued under ss. 215.605, 320.20, and
614 215.616, and any pledge of such moneys to pay operating and
615 maintenance expenses under s. 206.46(5) and chapter 348, as may
616 be amended.

617 Section 10. Subsections (1) and (2) of section 255.20,
 618 Florida Statutes, are amended to read:

619 255.20 Local bids and contracts for public construction
 620 works; specification of state-produced lumber.--

621 (1) A county, municipality, special district as defined in
 622 chapter 189, or other political subdivision of the state seeking
 623 to construct or improve a public building, structure, or other
 624 public construction works must competitively award to an
 625 appropriately licensed contractor each project that is estimated
 626 in accordance with generally accepted cost-accounting principles
 627 to have total construction project costs of more than \$400,000
 628 ~~\$200,000~~. For electrical work, local government must
 629 competitively award to an appropriately licensed contractor each
 630 project that is estimated in accordance with generally accepted
 631 cost-accounting principles to have a cost of more than \$100,000
 632 ~~\$50,000~~. As used in this section, the term "competitively award"
 633 means to award contracts based on the submission of sealed bids,
 634 proposals submitted in response to a request for proposal,
 635 proposals submitted in response to a request for qualifications,
 636 or proposals submitted for competitive negotiation. This
 637 subsection expressly allows contracts for construction
 638 management services, design/build contracts, continuation
 639 contracts based on unit prices, and any other contract
 640 arrangement with a private sector contractor permitted by any
 641 applicable municipal or county ordinance, by district
 642 resolution, or by state law. For purposes of this section,
 643 construction costs include the cost of all labor, except inmate
 644 labor, and include the cost of equipment and materials to be

645 used in the construction of the project. Subject to the
646 provisions of subsection (3), the county, municipality, special
647 district, or other political subdivision may establish, by
648 municipal or county ordinance or special district resolution,
649 procedures for conducting the bidding process.

650 (a) Notwithstanding any other law to the contrary, a
651 county, municipality, special district as defined in chapter
652 189, or other political subdivision of the state seeking to
653 construct or improve bridges, roads, streets, highways, or
654 railroads, and services incidental thereto, at costs in excess
655 of \$250,000 may require that persons interested in performing
656 work under contract first be certified or qualified to perform
657 such work. Any contractor may be considered ineligible to bid by
658 the governmental entity if the contractor is behind on
659 completing an approved progress schedule for the governmental
660 entity by 10 percent or more at the time of advertisement of the
661 work. Any contractor prequalified and considered eligible by the
662 Department of Transportation to bid to perform the type of work
663 described under the contract shall be presumed to be qualified
664 to perform the work described. The governmental entity may
665 provide an appeal process to overcome that presumption with de
666 novo review based on the record below to the circuit court.

667 (b) With respect to contractors not prequalified with the
668 Department of Transportation, the governmental entity shall
669 publish prequalification criteria and procedures prior to
670 advertisement or notice of solicitation. Such publications shall
671 include notice of a public hearing for comment on such criteria
672 and procedures prior to adoption. The procedures shall provide

673 | for an appeal process within the authority for objections to the
674 | prequalification process with de novo review based on the record
675 | below to the circuit court within 30 days.

676 | (c) The provisions of this subsection do not apply:

677 | 1. When the project is undertaken to replace, reconstruct,
678 | or repair an existing facility damaged or destroyed by a sudden
679 | unexpected turn of events, such as an act of God, riot, fire,
680 | flood, accident, or other urgent circumstances, and such damage
681 | or destruction creates:

682 | a. An immediate danger to the public health or safety;

683 | b. Other loss to public or private property which requires
684 | emergency government action; or

685 | c. An interruption of an essential governmental service.

686 | 2. When, after notice by publication in accordance with
687 | the applicable ordinance or resolution, the governmental entity
688 | does not receive any responsive bids or responses.

689 | 3. To construction, remodeling, repair, or improvement to
690 | a public electric or gas utility system when such work on the
691 | public utility system is performed by personnel of the system.

692 | 4. To construction, remodeling, repair, or improvement by
693 | a utility commission whose major contracts are to construct and
694 | operate a public electric utility system.

695 | 5. When the project is undertaken as repair or maintenance
696 | of an existing public facility.

697 | 6. When the project is undertaken exclusively as part of a
698 | public educational program.

699 | 7. When the funding source of the project will be
700 | diminished or lost because the time required to competitively

701 award the project after the funds become available exceeds the
702 time within which the funding source must be spent.

703 8. When the local government has competitively awarded a
704 project to a private sector contractor and the contractor has
705 abandoned the project before completion or the local government
706 has terminated the contract.

707 9. When the governing board of the local government, after
708 public notice, conducts a public meeting under s. 286.011 and
709 finds by a majority vote of the governing board that it is in
710 the public's best interest to perform the project using its own
711 services, employees, and equipment. The public notice must be
712 published at least 14 days prior to the date of the public
713 meeting at which the governing board takes final action to apply
714 this subparagraph. The notice must identify the project, the
715 estimated cost of the project, and specify that the purpose for
716 the public meeting is to consider whether it is in the public's
717 best interest to perform the project using the local
718 government's own services, employees, and equipment. In deciding
719 whether it is in the public's best interest for local government
720 to perform a project using its own services, employees, and
721 equipment, the governing board may consider the cost of the
722 project, whether the project requires an increase in the number
723 of government employees, an increase in capital expenditures for
724 public facilities, equipment or other capital assets, the impact
725 on local economic development, the impact on small and minority
726 business owners, the impact on state and local tax revenues,
727 whether the private sector contractors provide health insurance
728 and other benefits equivalent to those provided by the local

729 government, and any other factor relevant to what is in the
730 public's best interest.

731 10. When the governing board of the local government
732 determines upon consideration of specific substantive criteria
733 and administrative procedures that it is in the best interest of
734 the local government to award the project to an appropriately
735 licensed private sector contractor according to procedures
736 established by and expressly set forth in a charter, ordinance,
737 or resolution of the local government adopted prior to July 1,
738 1994. The criteria and procedures must be set out in the
739 charter, ordinance, or resolution and must be applied uniformly
740 by the local government to avoid award of any project in an
741 arbitrary or capricious manner. This exception shall apply when
742 all of the following occur:

743 a. When the governing board of the local government, after
744 public notice, conducts a public meeting under s. 286.011 and
745 finds by a two-thirds vote of the governing board that it is in
746 the public's best interest to award the project according to the
747 criteria and procedures established by charter, ordinance, or
748 resolution. The public notice must be published at least 14 days
749 prior to the date of the public meeting at which the governing
750 board takes final action to apply this subparagraph. The notice
751 must identify the project, the estimated cost of the project,
752 and specify that the purpose for the public meeting is to
753 consider whether it is in the public's best interest to award
754 the project using the criteria and procedures permitted by the
755 preexisting ordinance.

756 b. In the event the project is to be awarded by any method

757 other than a competitive selection process, the governing board
 758 must find evidence that:

759 (I) There is one appropriately licensed contractor who is
 760 uniquely qualified to undertake the project because that
 761 contractor is currently under contract to perform work that is
 762 affiliated with the project; or

763 (II) The time to competitively award the project will
 764 jeopardize the funding for the project, or will materially
 765 increase the cost of the project or will create an undue
 766 hardship on the public health, safety, or welfare.

767 c. In the event the project is to be awarded by any method
 768 other than a competitive selection process, the published notice
 769 must clearly specify the ordinance or resolution by which the
 770 private sector contractor will be selected and the criteria to
 771 be considered.

772 d. In the event the project is to be awarded by a method
 773 other than a competitive selection process, the architect or
 774 engineer of record has provided a written recommendation that
 775 the project be awarded to the private sector contractor without
 776 competitive selection; and the consideration by, and the
 777 justification of, the government body are documented, in
 778 writing, in the project file and are presented to the governing
 779 board prior to the approval required in this paragraph.

780 11. To projects subject to chapter 336.

781 (d)1. If the project is to be awarded based on price, the
 782 contract must be awarded to the lowest qualified and responsive
 783 bidder in accordance with the applicable county or municipal
 784 ordinance or district resolution and in accordance with the

785 applicable contract documents. The county, municipality, or
786 special district may reserve the right to reject all bids and to
787 rebid the project or elect not to proceed with the project. This
788 subsection is not intended to restrict the rights of any local
789 government to reject the low bid of a nonqualified or
790 nonresponsive bidder and to award the contract to any other
791 qualified and responsive bidder in accordance with the standards
792 and procedures of any applicable county or municipal ordinance
793 or any resolution of a special district.

794 2. If the project uses a request for proposal or a request
795 for qualifications, the request must be publicly advertised and
796 the contract must be awarded in accordance with the applicable
797 local ordinances.

798 3. If the project is subject to competitive negotiations,
799 the contract must be awarded in accordance with s. 287.055.

800 (e) If a construction project greater than \$400,000
801 ~~\$200,000~~, or \$100,000 ~~\$50,000~~ for electrical work, is started
802 after October 1, 1999, and is to be performed by a local
803 government using its own employees in a county or municipality
804 that issues registered contractor licenses and the project would
805 require a licensed contractor under chapter 489 if performed by
806 a private sector contractor, the local government must use a
807 person appropriately registered or certified under chapter 489
808 to supervise the work.

809 (f) If a construction project greater than \$400,000
810 ~~\$200,000~~, or \$100,000 ~~\$50,000~~ for electrical work, is started
811 after October 1, 1999, and is to be performed by a local
812 government using its own employees in a county that does not

813 issue registered contractor licenses and the project would
 814 require a licensed contractor under chapter 489 if performed by
 815 a private sector contractor, the local government must use a
 816 person appropriately registered or certified under chapter 489
 817 or a person appropriately licensed under chapter 471 to
 818 supervise the work.

819 (g) Projects performed by a local government using its own
 820 services and employees must be inspected in the same manner as
 821 inspections required for work performed by private sector
 822 contractors.

823 (h) A construction project provided for in this subsection
 824 may not be divided into more than one project for the purpose of
 825 evading this subsection.

826 (i) This subsection does not preempt the requirements of
 827 any small-business or disadvantaged-business enterprise program
 828 or any local-preference ordinance.

829 (2) The threshold amount of \$400,000 ~~\$200,000~~ for
 830 construction or \$100,000 ~~\$50,000~~ for electrical work must be
 831 adjusted by the percentage change in the Consumer Price Index
 832 from January 1, 2007 ~~1994~~, to January 1 of the year in which the
 833 project is scheduled to begin.

834 Section 11. Section 316.2123, Florida Statutes, is amended
 835 to read:

836 316.2123 Operation of an ATV on certain roadways.--

837 (1) The operation of an ATV, as defined in s. 317.0003,
 838 upon the public roads or streets of this state is prohibited,
 839 except that an ATV may be operated during the daytime on an
 840 unpaved roadway where the posted speed limit is less than 35

841 miles per hour ~~by a licensed driver or by a minor under the~~
 842 ~~supervision of a licensed driver. The operator must provide~~
 843 ~~proof of ownership pursuant to chapter 317 upon request by a law~~
 844 ~~enforcement officer.~~

845 (2) A county is exempt from this section if the governing
 846 body of the county, by majority vote, following a noticed public
 847 hearing, votes to exempt the county from this section.
 848 Alternatively, a county may, by majority vote after such a
 849 hearing, designate certain unpaved roadways where an ATV may be
 850 operated during the daytime as long as each such designated
 851 roadway has a posted speed limit of less than 35 miles per hour
 852 and is appropriately marked to indicate permissible ATV use.

853 (3) Any ATV operation that is permitted under subsection
 854 (1) or subsection (2) may be undertaken only by a licensed
 855 driver or a minor who is under the direct supervision of a
 856 licensed driver. The operator must provide proof of ownership
 857 under chapter 317 upon the request of a law enforcement officer.

858 Section 12. Subsection (1) of section 316.605, Florida
 859 Statutes, is amended to read:

860 316.605 Licensing of vehicles.--

861 (1) Every vehicle, at all times while driven, stopped, or
 862 parked upon any highways, roads, or streets of this state, shall
 863 be licensed in the name of the owner thereof in accordance with
 864 the laws of this state unless such vehicle is not required by
 865 the laws of this state to be licensed in this state and shall,
 866 except as otherwise provided in s. 320.0706 for front-end
 867 registration license plates on truck tractors and s. 320.086(5)
 868 which exempts display of license plates on described former

869 military vehicles, display the license plate or both of the
870 license plates assigned to it by the state, one on the rear and,
871 if two, the other on the front of the vehicle, each to be
872 securely fastened to the vehicle outside the main body of the
873 vehicle not higher than 60 inches and not lower than 12 inches
874 from the ground and no more than 24 inches to the left or right
875 of the centerline of the vehicle, and in such manner as to
876 prevent the plates from swinging, and all letters, numerals,
877 printing, writing, and other identification marks upon the
878 plates regarding the word "Florida," the registration decal, and
879 the alphanumeric designation shall be clear and distinct and
880 free from defacement, mutilation, grease, and other obscuring
881 matter, so that they will be plainly visible and legible at all
882 times 100 feet from the rear or front. Vehicle license plates
883 shall be affixed and displayed in such a manner that the letters
884 and numerals shall be read from left to right parallel to the
885 ground. No vehicle license plate may be displayed in an inverted
886 or reversed position or in such a manner that the letters and
887 numbers and their proper sequence are not readily identifiable.
888 Nothing shall be placed upon the face of a Florida plate except
889 as permitted by law or by rule or regulation of a governmental
890 agency. No license plates other than those furnished by the
891 state shall be used. However, if the vehicle is not required to
892 be licensed in this state, the license plates on such vehicle
893 issued by another state, by a territory, possession, or district
894 of the United States, or by a foreign country, substantially
895 complying with the provisions hereof, shall be considered as
896 complying with this chapter. A violation of this subsection is a

897 noncriminal traffic infraction, punishable as a nonmoving
 898 violation as provided in chapter 318.

899 Section 13. Paragraph (b) of subsection (3) of section
 900 316.650, Florida Statutes, is amended to read:

901 316.650 Traffic citations.--

902 (3)

903 (b) If a traffic citation is issued pursuant to s.
 904 316.1001, a traffic enforcement officer may deposit the original
 905 and one copy of such traffic citation or, in the case of a
 906 traffic enforcement agency that has an automated citation
 907 system, may provide an electronic facsimile with a court having
 908 jurisdiction over the alleged offense or with its traffic
 909 violations bureau within 45 days after the date of issuance of
 910 the citation to the violator. If the person cited for the
 911 violation of s. 316.1001 makes the election provided by s.
 912 318.14(12) and pays the \$25 fine, or such other amount as
 913 imposed by the governmental entity owning the applicable toll
 914 facility, plus the amount of the unpaid toll that is shown on
 915 the traffic citation directly to the governmental entity that
 916 issued the citation, or on whose behalf the citation was issued,
 917 in accordance with s. 318.14(12), the traffic citation will not
 918 be submitted to the court, the disposition will be reported to
 919 the department by the governmental entity that issued the
 920 citation, or on whose behalf the citation was issued, and no
 921 points will be assessed against the person's driver's license.

922 Section 14. Subsection (12) of section 318.14, Florida
 923 Statutes, is amended to read:

924 318.14 Noncriminal traffic infractions; exception;

925 | procedures.--

926 | (12) Any person cited for a violation of s. 316.1001 may,
 927 | in lieu of making an election as set forth in subsection (4) or
 928 | s. 318.18(7), elect to pay a his or her fine of \$25, or such
 929 | other amount as imposed by the governmental entity owning the
 930 | applicable toll facility, plus the amount of the unpaid toll
 931 | that is shown on the traffic citation directly to the
 932 | governmental entity that issued the citation, or on whose behalf
 933 | the citation was issued, within 30 days after the date of
 934 | issuance of the citation. Any person cited for a violation of s.
 935 | 316.1001 who does not elect to pay the fine imposed by the
 936 | governmental entity owning the applicable toll facility plus the
 937 | amount of the unpaid toll that is shown on the traffic citation
 938 | directly to the governmental entity that issued the citation, or
 939 | on whose behalf the citation was issued, as described in this
 940 | subsection ~~section~~ shall have an additional 45 days after the
 941 | date of the issuance of the citation in which to request a court
 942 | hearing or to pay the civil penalty and delinquent fee, if
 943 | applicable, as provided in s. 318.18(7), either by mail or in
 944 | person, in accordance with subsection (4).

945 | Section 15. Subsection (7) of section 318.18, Florida
 946 | Statutes, is amended to read:

947 | 318.18 Amount of civil penalties.--The penalties required
 948 | for a noncriminal disposition pursuant to s. 318.14 are as
 949 | follows:

950 | (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a
 951 | violation of s. 316.1001 plus the amount of the unpaid toll
 952 | shown on the traffic citation for each citation issued. The

953 clerk of the court shall forward \$25 of the \$100 fine received,
 954 plus the amount of the unpaid toll that is shown on the
 955 citation, to the governmental entity that issued the citation,
 956 or on whose behalf the citation was issued. If a plea
 957 arrangement is reached prior to the date set for a scheduled
 958 evidentiary hearing and adjudication is withheld, there shall be
 959 a mandatory fine assessed per citation of not less than \$50 and
 960 not more than \$100, plus the amount of the unpaid toll for each
 961 citation issued. The clerk of the court shall forward \$25 of the
 962 fine imposed plus the amount of the unpaid toll that is shown on
 963 the citation to the governmental entity that issued the citation
 964 or on whose behalf the citation was issued. The court shall have
 965 specific authority to consolidate issued citations for the same
 966 defendant for the purpose of sentencing and aggregate
 967 jurisdiction. In addition, the department shall suspend for 60
 968 days the driver's license of a person who is convicted of 10
 969 violations of s. 316.1001 within a 36-month period. However, a
 970 ~~person may elect to pay \$30 to the clerk of the court, in which~~
 971 ~~ease adjudication is withheld, and no points are assessed under~~
 972 ~~s. 322.27. Upon receipt of the fine, the clerk of the court must~~
 973 ~~retain \$5 for administrative purposes and must forward the \$25~~
 974 ~~to the governmental entity that issued the citation. Any funds~~
 975 ~~received by a governmental entity for this violation may be used~~
 976 ~~for any lawful purpose related to the operation or maintenance~~
 977 ~~of a toll facility.~~

978 Section 16. Section 320.061, Florida Statutes, is amended
 979 to read:

980 320.061 Unlawful to alter motor vehicle registration

981 certificates, license plates, mobile home stickers, or
 982 validation stickers or to obscure license plates; penalty.--No
 983 person shall alter the original appearance of any registration
 984 license plate, mobile home sticker, validation sticker, or
 985 vehicle registration certificate issued for and assigned to any
 986 motor vehicle or mobile home, whether by mutilation, alteration,
 987 defacement, or change of color or in any other manner. No person
 988 shall apply or attach any substance, reflective matter,
 989 illuminated device, spray, coating, covering, or other material
 990 onto or around any license plate that interferes with the
 991 legibility, angular visibility, or detectability of any feature
 992 or detail on the license plate or interferes with the ability to
 993 photograph or otherwise record any feature or detail on the
 994 license plate. Any person who violates ~~the provisions of this~~
 995 section commits ~~is guilty of~~ a misdemeanor of the second degree,
 996 punishable as provided in s. 775.082 or s. 775.083.

997 Section 17. Paragraph (c) of subsection (6) and subsection
 998 (8) of section 332.007, Florida Statutes, are amended to read:

999 332.007 Administration and financing of aviation and
 1000 airport programs and projects; state plan.--

1001 (6) Subject to the availability of appropriated funds, the
 1002 department may participate in the capital cost of eligible
 1003 public airport and aviation development projects in accordance
 1004 with the following rates, unless otherwise provided in the
 1005 General Appropriations Act or the substantive bill implementing
 1006 the General Appropriations Act:

1007 (c) When federal funds are not available, the department
 1008 may fund up to 80 percent of master planning and eligible

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1009 aviation development projects at publicly owned, publicly
 1010 operated airports. If federal funds are available, the
 1011 department may fund up to 80 percent of the nonfederal share of
 1012 such projects. Such funding is limited to airports that have no
 1013 scheduled commercial service.

1014 (8) Notwithstanding any other provision of law to the
 1015 contrary, the department is authorized to fund security projects
 1016 ~~at provide operational and maintenance assistance to publicly~~
 1017 ~~owned public-use airports. Such assistance shall be to comply~~
 1018 ~~with enhanced federal security requirements or to address~~
 1019 ~~related economic impacts from the events of September 11, 2001.~~

1020 For projects in the current adopted work program, or projects
 1021 added using the available budget of the department, airports may
 1022 request the department change the project purpose in accordance
 1023 with this provision notwithstanding the provisions of s.

1024 339.135(7). For purposes of this subsection, the department may
 1025 fund up to 100 percent of eligible project costs that are not
 1026 funded by the Federal Government. ~~Prior to releasing any funds~~
 1027 ~~under this section, the department shall review and approve the~~
 1028 ~~expenditure plans submitted by the airport. The department shall~~
 1029 ~~inform the Legislature of any change that it approves under this~~
 1030 ~~subsection.~~ This subsection shall expire on June 30, 2012 ~~2007~~.

1031 Section 18. Subsection (4) of section 332.14, Florida
 1032 Statutes, is amended to read:

1033 332.14 Secure Airports for Florida's Economy Council.--

1034 (4) The council shall adopt bylaws governing the manner in
 1035 which the business of the council will be conducted. The bylaws
 1036 shall specify the procedure by which the chair of the council is

1037 | elected. The council shall meet at the call of its chair, at the
 1038 | request of a majority of its membership, or at such times as may
 1039 | be prescribed in its bylaws. However, the council must meet at
 1040 | least twice a year. Except for the members under paragraphs
 1041 | (2) (d), (e), and (f), all members of the council are voting
 1042 | members. A majority of voting members of the council constitutes
 1043 | a quorum for the purpose of transacting the business of the
 1044 | council. A vote of the majority of the members present is
 1045 | sufficient for any action of the council, except that a member
 1046 | representing the Department of Transportation, the Department of
 1047 | Community Affairs, the Department of Law Enforcement, or the
 1048 | Office of Tourism, Trade, and Economic Development may vote to
 1049 | overrule any action of the council approving a project pursuant
 1050 | to paragraph (7) (a). The bylaws of the council may require a
 1051 | greater vote for a particular action.

1052 | Section 19. Paragraph (c) of subsection (1) of section
 1053 | 336.025, Florida Statutes, is amended to read:

1054 | 336.025 County transportation system; levy of local option
 1055 | fuel tax on motor fuel and diesel fuel.--

1056 | (1)

1057 | (c) Local governments may use the services of the Division
 1058 | of Bond Finance of the State Board of Administration pursuant to
 1059 | the State Bond Act to issue any bonds through the provisions of
 1060 | this section and may pledge the revenues from local option fuel
 1061 | taxes to secure the payment of the bonds. ~~In no case may a~~
 1062 | ~~jurisdiction issue bonds pursuant to this section more~~
 1063 | ~~frequently than once per year.~~ Counties and municipalities may
 1064 | join together for the issuance of bonds issued pursuant to this

1065 section.

1066 Section 20. Subsection (3) of section 336.41, Florida
 1067 Statutes, is amended to read:

1068 336.41 Counties; employing labor and providing road
 1069 equipment; accounting; when competitive bidding required.--

1070 (3) All construction and reconstruction of roads and
 1071 bridges, including resurfacing, full scale mineral seal coating,
 1072 and major bridge and bridge system repairs, to be performed
 1073 utilizing the proceeds of the 80-percent portion of the surplus
 1074 of the constitutional gas tax shall be let to contract to the
 1075 lowest responsible bidder by competitive bid, except for:

1076 (a) Construction and maintenance in emergency situations,
 1077 and

1078 (b) In addition to emergency work, construction and
 1079 reconstruction, including resurfacing, mineral seal coating, and
 1080 bridge repairs, having a total cumulative annual value not to
 1081 exceed 5 percent of its 80-percent portion of the constitutional
 1082 gas tax or \$400,000 ~~\$250,000~~, whichever is greater,

1083
 1084 for which the county may utilize its own forces. However, if,
 1085 after proper advertising, no bids are received by a county for a
 1086 specific project, the county may use its own forces to construct
 1087 the project, notwithstanding the limitation of this subsection.
 1088 Nothing in this section shall prevent the county from performing
 1089 routine maintenance as authorized by law.

1090 Section 21. Paragraph (a) of subsection (3) of section
 1091 337.11, Florida Statutes, is amended to read:

1092 337.11 Contracting authority of department; bids;

1093 emergency repairs, supplemental agreements, and change orders;
 1094 combined design and construction contracts; progress payments;
 1095 records; requirements of vehicle registration.--

1096 (3) (a) On all construction contracts of \$250,000 or less,
 1097 and any construction contract of less than \$500,000 for which
 1098 the department has waived prequalification under s. 337.14, the
 1099 department shall advertise for bids in a newspaper having
 1100 general circulation in the county where the proposed work is
 1101 located. Publication shall be at least once a week for no less
 1102 than 2 consecutive weeks, and the first publication shall be no
 1103 less than 14 days prior to the date on which bids are to be
 1104 received.

1105 Section 22. Subsection (1) of section 337.14, Florida
 1106 Statutes, is amended to read:

1107 337.14 Application for qualification; certificate of
 1108 qualification; restrictions; request for hearing.--

1109 (1) Any person desiring to bid for the performance of any
 1110 construction contract in excess of \$250,000 which the department
 1111 proposes to let must first be certified by the department as
 1112 qualified pursuant to this section and rules of the department.
 1113 The rules of the department shall address the qualification of
 1114 persons to bid on construction contracts in excess of \$250,000
 1115 and shall include requirements with respect to the equipment,
 1116 past record, experience, financial resources, and organizational
 1117 personnel of the applicant necessary to perform the specific
 1118 class of work for which the person seeks certification. The
 1119 department is authorized to limit the dollar amount of any
 1120 contract upon which a person is qualified to bid or the

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1121 aggregate total dollar volume of contracts such person is
1122 allowed to have under contract at any one time. Each applicant
1123 seeking qualification to bid on construction contracts in excess
1124 of \$250,000 shall furnish the department a statement under oath,
1125 on such forms as the department may prescribe, setting forth
1126 detailed information as required on the application. Each
1127 application for certification shall be accompanied by the latest
1128 annual financial statement of the applicant completed within the
1129 last 12 months. If the annual financial statement shows the
1130 financial condition of the applicant more than 4 months prior to
1131 the date on which the application is received by the department,
1132 then an interim financial statement must also be submitted. The
1133 interim financial statement must cover the period from the end
1134 date of the annual statement and must show the financial
1135 condition of the applicant no more than 4 months prior to the
1136 date on which the application is received by the department.
1137 Each required annual or interim financial statement must be
1138 audited and accompanied by the opinion of a certified public
1139 accountant or a public accountant approved by the department.
1140 The information required by this subsection is confidential and
1141 exempt from the provisions of s. 119.07(1). The department
1142 shall act upon the application for qualification within 30 days
1143 after the department determines that the application is
1144 complete. The department may waive the requirements of this
1145 subsection for projects having a contract price of \$500,000 or
1146 less if the department determines that the project is of a
1147 noncritical nature and the waiver will not endanger public
1148 health, safety, or property.

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

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1149 Section 23. Paragraph (a) of subsection (1) of section
 1150 337.18, Florida Statutes, is amended to read:

1151 337.18 Surety bonds for construction or maintenance
 1152 contracts; requirement with respect to contract award; bond
 1153 requirements; defaults; damage assessments.--

1154 (1) (a) A surety bond shall be required of the successful
 1155 bidder in an amount equal to the awarded contract price.
 1156 However, the department may choose, in its discretion and
 1157 applicable only to multiyear maintenance contracts, to allow for
 1158 incremental annual contract bonds that cumulatively total the
 1159 full, awarded, multiyear contract price. For a project for which
 1160 the contract price is \$250,000 ~~\$150,000~~ or less, the department
 1161 may waive the requirement for all or a portion of a surety bond
 1162 if it determines the project is of a noncritical nature and
 1163 nonperformance will not endanger public health, safety, or
 1164 property. If the secretary or his designee determines that it is
 1165 in the best interests of the department to reduce the bonding
 1166 requirement for a project and that to do so will not endanger
 1167 public health, safety, or property, the department may waive the
 1168 requirement of a surety bond in an amount equal to the awarded
 1169 contract price for a project having a contract price of \$250
 1170 million or more and, in its place, may set a surety bond amount
 1171 that is a portion of the total contract price and provide an
 1172 alternate means of security for the balance of the contract
 1173 amount that is not covered by the surety bond or provide for
 1174 incremental surety bonding and provide an alternate means of
 1175 security for the balance of the contract amount that is not
 1176 covered by the surety bond. Such alternative means of security

1177 may include letters of credit, United States bonds and notes,
 1178 parent company guaranties, and cash collateral. The department
 1179 may require alternate means of security if a surety bond is
 1180 waived. The surety on such bond shall be a surety company
 1181 authorized to do business in the state. All bonds shall be
 1182 payable to the department and conditioned for the prompt,
 1183 faithful, and efficient performance of the contract according to
 1184 plans and specifications and within the time period specified,
 1185 and for the prompt payment of all persons defined in s. 713.01
 1186 furnishing labor, material, equipment, and supplies for work
 1187 provided in the contract; however, whenever an improvement,
 1188 demolition, or removal contract price is \$25,000 or less, the
 1189 security may, in the discretion of the bidder, be in the form of
 1190 a cashier's check, bank money order of any state or national
 1191 bank, certified check, or postal money order. The department
 1192 shall adopt rules to implement this subsection. Such rules shall
 1193 include provisions under which the department shall refuse to
 1194 accept bonds on contracts when a surety wrongfully fails or
 1195 refuses to settle or provide a defense for claims or actions
 1196 arising under a contract for which the surety previously
 1197 furnished a bond.

1198 Section 24. Subsection (1) of section 338.155, Florida
 1199 Statutes, is amended to read:

1200 338.155 Payment of toll on toll facilities required;
 1201 exemptions.--

1202 (1) No persons are permitted to use any toll facility
 1203 without payment of tolls, except employees of the agency
 1204 operating the toll project when using the toll facility on

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1205 official state business, state military personnel while on
 1206 official military business, handicapped persons as provided in
 1207 this section, persons exempt from toll payment by the
 1208 authorizing resolution for bonds issued to finance the facility,
 1209 and persons exempt on a temporary basis where use of such toll
 1210 facility is required as a detour route. Any law enforcement
 1211 officer operating a marked official vehicle is exempt from toll
 1212 payment when on official law enforcement business. Any law
 1213 enforcement officer operating an unmarked official vehicle may,
 1214 at the discretion of the toll authority, be exempt from toll
 1215 payment when on official law enforcement business. Any person
 1216 operating a fire vehicle when on official business or a rescue
 1217 vehicle when on official business is exempt from toll payment.
 1218 Any person participating in the funeral procession of a law
 1219 enforcement officer or firefighter killed in the line of duty is
 1220 exempt from toll payment. The secretary, or the secretary's
 1221 designee, may suspend the payment of tolls on a toll facility
 1222 when necessary to assist in emergency evacuation. The failure to
 1223 pay a prescribed toll constitutes a noncriminal traffic
 1224 infraction, punishable as a moving violation pursuant to s.
 1225 318.18. The department is authorized to adopt rules relating to
 1226 guaranteed toll accounts.

1227 Section 25. Subsection (3) is added to section 338.161,
 1228 Florida Statutes, to read:

1229 338.161 Authority of department or toll agencies to
 1230 advertise and promote electronic toll collection; expanded uses
 1231 of electronic toll collection system; studies authorized.--

1232 (3) (a) The department or any toll agency created by

1233 statute may incur expenses to advertise or promote its
 1234 electronic toll collection system to consumers on or off the
 1235 turnpike or toll system.

1236 (b) If the department or any toll agency created by
 1237 statute finds that it can increase nontoll revenues or add
 1238 convenience or other value for its customers, the department or
 1239 toll agency may enter into agreements with any private or public
 1240 entity allowing the use of its electronic toll collection system
 1241 to pay parking fees for vehicles equipped with a transponder or
 1242 similar device. The department or toll agency may initiate
 1243 feasibility studies of additional future uses of its electronic
 1244 toll collection system and make recommendations to the
 1245 Legislature to authorize such uses.

1246 Section 26. Subsections (1), (3), and (4) of section
 1247 338.2275, Florida Statutes, are amended to read:

1248 338.2275 Approved turnpike projects.--

1249 (1) Legislative approval of the department's tentative
 1250 work program that contains the turnpike project constitutes
 1251 approval to issue bonds as required by s. 11(f), Art. VII of the
 1252 State Constitution. No more than \$10 billion of bonds may be
 1253 outstanding to fund approved turnpike projects. ~~Turnpike~~
 1254 ~~projects approved to be included in future tentative work~~
 1255 ~~programs include, but are not limited to, projects contained in~~
 1256 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
 1257 ~~of bonds may be issued to fund approved turnpike projects.~~

1258 ~~(3) Subject to verification of economic feasibility by the~~
 1259 ~~department in accordance with s. 338.221(8), the department~~
 1260 ~~shall acquire the assets and assume the liabilities of the~~

1261 ~~Sawgrass Expressway as a candidate project from the Broward~~
 1262 ~~County Expressway Authority. The agreement to acquire the~~
 1263 ~~Sawgrass Expressway shall be subject to the terms and covenants~~
 1264 ~~of the Broward County Expressway Authority Bond Series 1984 and~~
 1265 ~~1986A lease purchase agreements and shall not act to the~~
 1266 ~~detriment of the bondholders nor decrease the quality of the~~
 1267 ~~bonds. The department shall provide for the cost of operations~~
 1268 ~~and maintenance expenses and for the replacement of future~~
 1269 ~~Broward County gasoline tax funds pledged for the payment of~~
 1270 ~~principal and interest on such bonds. The department shall~~
 1271 ~~repay, to the extent possible, Broward County gasoline tax funds~~
 1272 ~~used since July 6, 1988, for debt service on such bonds. For the~~
 1273 ~~purpose of calculating the economic feasibility of this project,~~
 1274 ~~the department is authorized to exclude operations and~~
 1275 ~~maintenance expenses accumulated between July 6, 1988, and the~~
 1276 ~~date of the agreement. Upon performance of all terms of the~~
 1277 ~~agreement between the parties, the Sawgrass Expressway will~~
 1278 ~~become a part of the turnpike system.~~

1279 (3)~~(4)~~ Bonds may not be issued to fund a turnpike project
 1280 until the department has made a final determination that the
 1281 project is economically feasible in accordance with s. 338.221,
 1282 based on the most current information available.

1283 Section 27. Subsections (3) and (6) of section 338.231,
 1284 Florida Statutes, are amended to read:

1285 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1286 revenues.--The department shall at all times fix, adjust,
 1287 charge, and collect such tolls for the use of the turnpike
 1288 system as are required in order to provide a fund sufficient

1289 with other revenues of the turnpike system to pay the cost of
 1290 maintaining, improving, repairing, and operating such turnpike
 1291 system; to pay the principal of and interest on all bonds issued
 1292 to finance or refinance any portion of the turnpike system as
 1293 the same become due and payable; and to create reserves for all
 1294 such purposes.

1295 (3) (a) The department shall publish a proposed change in
 1296 the toll rate for the use of an existing toll facility, in the
 1297 manner provided for in s. 120.54, which will provide for public
 1298 notice and the opportunity for a public hearing before the
 1299 adoption of the proposed rate change. When the department is
 1300 evaluating a proposed turnpike toll project under s. 338.223 and
 1301 has determined that there is a high probability that the project
 1302 will pass the test of economic feasibility predicated on
 1303 proposed toll rates, the toll rate that is proposed to be
 1304 charged after the project is constructed must be adopted during
 1305 the planning and project development phase of the project, in
 1306 the manner provided for in s. 120.54, including public notice
 1307 and the opportunity for a public hearing. For such a new
 1308 project, the toll rate becomes effective upon the opening of the
 1309 project to traffic.

1310 (b) The department may also fix, adjust, charge, and
 1311 collect transaction fees and collection fees related to tolls
 1312 not paid at the time the toll is incurred. The department shall
 1313 publish its proposed fees in the manner provided for in s.
 1314 120.54, which will provide for public notice and the opportunity
 1315 for a public hearing before the adoption of the proposed fees.
 1316 Any fee so established will be added to the unpaid toll amount

1317 due and payable to the department.

1318 (6) In each fiscal year while any of the bonds of the
 1319 Broward County Expressway Authority series 1984 and series 1986-
 1320 A remain outstanding, the department is authorized to pledge
 1321 revenues from the turnpike system to the payment of principal
 1322 and interest of such series of bonds, ~~the repayment of Broward~~
 1323 ~~County gasoline tax funds as provided in s. 338.2275(3),~~ and the
 1324 operation and maintenance expenses of the Sawgrass Expressway,
 1325 to the extent gross toll revenues of the Sawgrass Expressway are
 1326 insufficient to make such payments. The terms of an agreement
 1327 relative to the pledge of turnpike system revenue will be
 1328 negotiated with the parties of the 1984 and 1986 Broward County
 1329 Expressway Authority lease-purchase agreements, and subject to
 1330 the covenants of those agreements. The agreement shall establish
 1331 that the Sawgrass Expressway shall be subject to the planning,
 1332 management, and operating control of the department limited only
 1333 by the terms of the lease-purchase agreements. The department
 1334 shall provide for the payment of operation and maintenance
 1335 expenses of the Sawgrass Expressway until such agreement is in
 1336 effect. This pledge of turnpike system revenues shall be
 1337 subordinate to the debt service requirements of any future issue
 1338 of turnpike bonds, the payment of turnpike system operation and
 1339 maintenance expenses, and subject to provisions of any
 1340 subsequent resolution or trust indenture relating to the
 1341 issuance of such turnpike bonds.

1342 Section 28. Section 339.175, Florida Statutes, is amended
 1343 to read:

1344 339.175 Metropolitan planning organization.--

1345 (1) PURPOSE.--It is the intent of the Legislature to
1346 encourage and promote the safe and efficient management,
1347 operation, and development of surface transportation systems
1348 that will serve the mobility needs of people and freight and
1349 foster economic growth and development within and through
1350 urbanized areas of this state while minimizing transportation-
1351 related fuel consumption and air pollution through metropolitan
1352 transportation planning processes identified in this section. To
1353 accomplish these objectives, metropolitan planning
1354 organizations, referred to in this section as M.P.O.'s, shall
1355 develop, in cooperation with the state and public transit
1356 operators, transportation plans and programs for metropolitan
1357 areas. The plans and programs for each metropolitan area must
1358 provide for the development and integrated management and
1359 operation of transportation systems and facilities, including
1360 pedestrian walkways and bicycle transportation facilities that
1361 will function as an intermodal transportation system for the
1362 metropolitan area, based upon the prevailing principles provided
1363 in s. 334.046(1). The process for developing such plans and
1364 programs shall provide for consideration of all modes of
1365 transportation and shall be continuing, cooperative, and
1366 comprehensive, to the degree appropriate, based on the
1367 complexity of the transportation problems to be addressed. To
1368 ensure that the process is integrated with the statewide
1369 planning process, M.P.O.'s shall develop plans and programs that
1370 identify transportation facilities that should function as an
1371 integrated metropolitan transportation system, giving emphasis
1372 to facilities that serve important national, state, and regional

1373 transportation functions. For the purposes of this section,
 1374 those facilities include the facilities on the Strategic
 1375 Intermodal System designated under s. 339.63 and facilities for
 1376 which projects have been identified pursuant to s. 339.2819(4).

1377 ~~(2)(1)~~ DESIGNATION.--

1378 (a)1. An M.P.O. shall be designated for each urbanized
 1379 area of the state; however, this does not require that an
 1380 individual M.P.O. be designated for each such area. Such
 1381 designation shall be accomplished by agreement between the
 1382 Governor and units of general-purpose local government
 1383 representing at least 75 percent of the population of the
 1384 urbanized area; however, the unit of general-purpose local
 1385 government that represents the central city or cities within the
 1386 M.P.O. jurisdiction, as defined by the United States Bureau of
 1387 the Census, must be a party to such agreement.

1388 2. More than one M.P.O. may be designated within an
 1389 existing metropolitan planning area only if the Governor and the
 1390 existing M.P.O. determine that the size and complexity of the
 1391 existing metropolitan planning area makes the designation of
 1392 more than one M.P.O. for the area appropriate.

1393 (b) Each M.P.O. designated in a manner prescribed by Title
 1394 23 U.S.C. shall be created and operated under the provisions of
 1395 this section pursuant to an interlocal agreement entered into
 1396 pursuant to s. 163.01. The signatories to the interlocal
 1397 agreement shall be the department and the governmental entities
 1398 designated by the Governor for membership on the M.P.O. Each
 1399 M.P.O. shall be considered separate from the state or the
 1400 governing body of a local government that is represented on the

1401 governing board of the M.P.O. or that is a signatory to the
 1402 interlocal agreement creating the M.P.O. and shall have such
 1403 powers and privileges that are provided under s. 163.01. If
 1404 there is a conflict between this section and s. 163.01, this
 1405 section prevails.

1406 (c) The jurisdictional boundaries of an M.P.O. shall be
 1407 determined by agreement between the Governor and the applicable
 1408 M.P.O. The boundaries must include at least the metropolitan
 1409 planning area, which is the existing urbanized area and the
 1410 contiguous area expected to become urbanized within a 20-year
 1411 forecast period, and may encompass the entire metropolitan
 1412 statistical area or the consolidated metropolitan statistical
 1413 area.

1414 (d) In the case of an urbanized area designated as a
 1415 nonattainment area for ozone or carbon monoxide under the Clean
 1416 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 1417 metropolitan planning area in existence as of the date of
 1418 enactment of this paragraph shall be retained, except that the
 1419 boundaries may be adjusted by agreement of the Governor and
 1420 affected metropolitan planning organizations in the manner
 1421 described in this section. If more than one M.P.O. has authority
 1422 within a metropolitan area or an area that is designated as a
 1423 nonattainment area, each M.P.O. shall consult with other
 1424 M.P.O.'s designated for such area and with the state in the
 1425 coordination of plans and programs required by this section.

1426 (e) The governing body of the M.P.O. shall designate, at a
 1427 minimum, a chair, vice chair, and agency clerk. The chair and
 1428 vice chair shall be selected from among the member delegates

1429 comprising the governing board. The agency clerk shall be
 1430 charged with the responsibility of preparing meeting minutes and
 1431 maintaining agency records. The clerk shall be a member of the
 1432 M.P.O. governing board, an employee of the M.P.O., or other
 1433 natural person.

1434
 1435 Each M.P.O. required under this section must be fully operative
 1436 no later than 6 months following its designation.

1437 (3)~~(2)~~ VOTING MEMBERSHIP.--

1438 (a) The voting membership of an M.P.O. shall consist of
 1439 not fewer than 5 or more than 19 apportioned members, the exact
 1440 number to be determined on an equitable geographic-population
 1441 ratio basis by the Governor, based on an agreement among the
 1442 affected units of general-purpose local government as required
 1443 by federal rules and regulations. The Governor, in accordance
 1444 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 1445 represent municipalities to alternate with representatives from
 1446 other municipalities within the metropolitan planning area that
 1447 do not have members on the M.P.O. County commission members
 1448 shall compose not less than one-third of the M.P.O. membership,
 1449 except for an M.P.O. with more than 15 members located in a
 1450 county with a 5-member ~~five-member~~ county commission or an
 1451 M.P.O. with 19 members located in a county with no more than 6
 1452 county commissioners, in which case county commission members
 1453 may compose less than one-third percent of the M.P.O.
 1454 membership, but all county commissioners must be members. All
 1455 voting members shall be elected officials of general-purpose
 1456 local governments, except that an M.P.O. may include, as part of

1457 its apportioned voting members, a member of a statutorily
1458 authorized planning board, an official of an agency that
1459 operates or administers a major mode of transportation, or an
1460 official of the Florida Space Authority. As used in this
1461 section, the term "elected officials of a general-purpose local
1462 government" shall exclude constitutional officers, including
1463 sheriffs, tax collectors, supervisors of elections, property
1464 appraisers, clerks of the court, and similar types of officials.
1465 County commissioners ~~The county commission~~ shall compose not
1466 less than 20 percent of the M.P.O. membership if an official of
1467 an agency that operates or administers a major mode of
1468 transportation has been appointed to an M.P.O.

1469 (b) In metropolitan areas in which authorities or other
1470 agencies have been or may be created by law to perform
1471 transportation functions and are performing transportation
1472 functions that are not under the jurisdiction of a general-
1473 purpose ~~general-purpose~~ local government represented on the
1474 M.P.O., they shall be provided voting membership on the M.P.O.
1475 In all other M.P.O.'s where transportation authorities or
1476 agencies are to be represented by elected officials from
1477 general-purpose ~~general-purpose~~ local governments, the M.P.O.
1478 shall establish a process by which the collective interests of
1479 such authorities or other agencies are expressed and conveyed.

1480 (c) Any other provision of this section to the contrary
1481 notwithstanding, a chartered county with over 1 million
1482 population may elect to reapportion the membership of an M.P.O.
1483 whose jurisdiction is wholly within the county. The charter
1484 county may exercise the provisions of this paragraph if:

1485 1. The M.P.O. approves the reapportionment plan by a
 1486 three-fourths vote of its membership;

1487 2. The M.P.O. and the charter county determine that the
 1488 reapportionment plan is needed to fulfill specific goals and
 1489 policies applicable to that metropolitan planning area; and

1490 3. The charter county determines the reapportionment plan
 1491 otherwise complies with all federal requirements pertaining to
 1492 M.P.O. membership.

1493
 1494 Any charter county that elects to exercise the provisions of
 1495 this paragraph shall notify the Governor in writing.

1496 (d) Any other provision of this section to the contrary
 1497 notwithstanding, any county chartered under s. 6(e), Art. VIII
 1498 of the State Constitution may elect to have its county
 1499 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 1500 wholly contained within the county. Any charter county that
 1501 elects to exercise the provisions of this paragraph shall so
 1502 notify the Governor in writing. Upon receipt of such
 1503 notification, the Governor must designate the county commission
 1504 as the M.P.O. The Governor must appoint four additional voting
 1505 members to the M.P.O., one of whom must be an elected official
 1506 representing a municipality within the county, one of whom must
 1507 be an expressway authority member, one of whom must be a person
 1508 who does not hold elected public office and who resides in the
 1509 unincorporated portion of the county, and one of whom must be a
 1510 school board member.

1511 (4) ~~(3)~~ APPORTIONMENT.--

1512 (a) The Governor shall, with the agreement of the affected

1513 units of general-purpose local government as required by federal
 1514 rules and regulations, apportion the membership on the
 1515 applicable M.P.O. among the various governmental entities within
 1516 the area. At the request of a majority of the affected units of
 1517 general-purpose local government comprising an M.P.O., the
 1518 Governor and a majority of units of general-purpose local
 1519 government serving on an M.P.O. shall cooperatively agree upon
 1520 and prescribe who may serve as an alternate member and shall
 1521 ~~prescribe~~ a method for appointing alternate members who may vote
 1522 at any M.P.O. meeting that an alternate member attends in place
 1523 of a regular member. The method shall be set forth as a part of
 1524 the interlocal agreement describing the M.P.O.'s membership or
 1525 in the M.P.O.'s operating procedures and bylaws. An appointed
 1526 ~~alternate member must be an elected official serving the same~~
 1527 ~~governmental entity or a general purpose local government with~~
 1528 ~~jurisdiction within all or part of the area that the regular~~
 1529 ~~member serves.~~ The governmental entity so designated shall
 1530 appoint the appropriate number of members to the M.P.O. from
 1531 eligible officials. Representatives of the department shall
 1532 serve as nonvoting members of the M.P.O. governing board.
 1533 Nonvoting advisers may be appointed by the M.P.O. as deemed
 1534 necessary; however, to the maximum extent feasible, each M.P.O.
 1535 shall seek to appoint nonvoting representatives of various
 1536 multimodal forms of transportation not otherwise represented by
 1537 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
 1538 advisers representing major military installations located
 1539 within the jurisdictional boundaries of the M.P.O. upon the
 1540 request of the aforesaid major military installations and

1541 subject to the agreement of the M.P.O. All nonvoting advisers
 1542 may attend and participate fully in governing board meetings but
 1543 shall not have a vote and shall not be members of the governing
 1544 board. The Governor shall review the composition of the M.P.O.
 1545 membership in conjunction with the decennial census as prepared
 1546 by the United States Department of Commerce, Bureau of the
 1547 Census, and reapportion it as necessary to comply with
 1548 subsection (3) ~~(2)~~.

1549 (b) Except for members who represent municipalities on the
 1550 basis of alternating with representatives from other
 1551 municipalities that do not have members on the M.P.O. as
 1552 provided in paragraph (3) (a) ~~(2) (a)~~, the members of an M.P.O.
 1553 shall serve 4-year terms. Members who represent municipalities
 1554 on the basis of alternating with representatives from other
 1555 municipalities that do not have members on the M.P.O. as
 1556 provided in paragraph (3) (a) ~~(2) (a)~~ may serve terms of up to 4
 1557 years as further provided in the interlocal agreement described
 1558 in paragraph (2) (b) ~~(1) (b)~~. The membership of a member who is a
 1559 public official automatically terminates upon the member's
 1560 leaving his or her elective or appointive office for any reason,
 1561 or may be terminated by a majority vote of the total membership
 1562 of the entity's governing board ~~a county or city governing~~
 1563 ~~entity~~ represented by the member. A vacancy shall be filled by
 1564 the original appointing entity. A member may be reappointed for
 1565 one or more additional 4-year terms.

1566 (c) If a governmental entity fails to fill an assigned
 1567 appointment to an M.P.O. within 60 days after notification by
 1568 the Governor of its duty to appoint, that appointment shall be

1569 made by the Governor from the eligible representatives of that
 1570 governmental entity.

1571 (5)~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and
 1572 responsibility of an M.P.O. is to manage a continuing,
 1573 cooperative, and comprehensive transportation planning process
 1574 that, based upon the prevailing principles provided in s.
 1575 334.046(1), results in the development of plans and programs
 1576 which are consistent, to the maximum extent feasible, with the
 1577 approved local government comprehensive plans of the units of
 1578 local government the boundaries of which are within the
 1579 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 1580 cooperative decisionmaking by officials of the affected
 1581 governmental entities in the development of the plans and
 1582 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and
 1583 (9).

1584 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 1585 privileges, and authority of an M.P.O. are those specified in
 1586 this section or incorporated in an interlocal agreement
 1587 authorized under s. 163.01. Each M.P.O. shall perform all acts
 1588 required by federal or state laws or rules, now and subsequently
 1589 applicable, which are necessary to qualify for federal aid. It
 1590 is the intent of this section that each M.P.O. shall be involved
 1591 in the planning and programming of transportation facilities,
 1592 including, but not limited to, airports, intercity and high-
 1593 speed rail lines, seaports, and intermodal facilities, to the
 1594 extent permitted by state or federal law.

1595 (a) Each M.P.O. shall, in cooperation with the department,
 1596 develop:

- 1597 1. A long-range transportation plan pursuant to the
 1598 requirements of subsection (7) ~~(6)~~;
- 1599 2. An annually updated transportation improvement program
 1600 pursuant to the requirements of subsection (8) ~~(7)~~; and
- 1601 3. An annual unified planning work program pursuant to the
 1602 requirements of subsection (9) ~~(8)~~.
- 1603 (b) In developing the long-range transportation plan and
 1604 the transportation improvement program required under paragraph
 1605 (a), each M.P.O. shall provide for consideration of projects and
 1606 strategies that will:
- 1607 1. Support the economic vitality of the metropolitan area,
 1608 especially by enabling global competitiveness, productivity, and
 1609 efficiency;
- 1610 2. Increase the safety and security of the transportation
 1611 system for motorized and nonmotorized users;
- 1612 3. Increase the accessibility and mobility options
 1613 available to people and for freight;
- 1614 4. Protect and enhance the environment, promote energy
 1615 conservation, and improve quality of life;
- 1616 5. Enhance the integration and connectivity of the
 1617 transportation system, across and between modes, for people and
 1618 freight;
- 1619 6. Promote efficient system management and operation; and
- 1620 7. Emphasize the preservation of the existing
 1621 transportation system.
- 1622 (c) In order to provide recommendations to the department
 1623 and local governmental entities regarding transportation plans
 1624 and programs, each M.P.O. shall:

- 1625 1. Prepare a congestion management system for the
 1626 metropolitan area and cooperate with the department in the
 1627 development of all other transportation management systems
 1628 required by state or federal law;
- 1629 2. Assist the department in mapping transportation
 1630 planning boundaries required by state or federal law;
- 1631 3. Assist the department in performing its duties relating
 1632 to access management, functional classification of roads, and
 1633 data collection;
- 1634 4. Execute all agreements or certifications necessary to
 1635 comply with applicable state or federal law;
- 1636 5. Represent all the jurisdictional areas within the
 1637 metropolitan area in the formulation of transportation plans and
 1638 programs required by this section; and
- 1639 6. Perform all other duties required by state or federal
 1640 law.
- 1641 (d) Each M.P.O. shall appoint a technical advisory
 1642 committee, the members of which shall serve at the pleasure of
 1643 the M.P.O. The membership of the technical advisory committee
 1644 must include, whenever possible, ~~that includes~~ planners;
 1645 engineers; representatives of local aviation authorities, port
 1646 authorities, and public transit authorities or representatives
 1647 of aviation departments, seaport departments, and public transit
 1648 departments of municipal or county governments, as applicable;
 1649 the school superintendent of each county within the jurisdiction
 1650 of the M.P.O. or the superintendent's designee; and other
 1651 appropriate representatives of affected local governments. In
 1652 addition to any other duties assigned to it by the M.P.O. or by

1653 state or federal law, the technical advisory committee is
1654 responsible for considering safe access to schools in its review
1655 of transportation project priorities, long-range transportation
1656 plans, and transportation improvement programs, and shall advise
1657 the M.P.O. on such matters. In addition, the technical advisory
1658 committee shall coordinate its actions with local school boards
1659 and other local programs and organizations within the
1660 metropolitan area which participate in school safety activities,
1661 such as locally established community traffic safety teams.
1662 Local school boards must provide the appropriate M.P.O. with
1663 information concerning future school sites and in the
1664 coordination of transportation service.

1665 (e)1. Each M.P.O. shall appoint a citizens' advisory
1666 committee, the members of which serve at the pleasure of the
1667 M.P.O. The membership on the citizens' advisory committee must
1668 reflect a broad cross section of local residents with an
1669 interest in the development of an efficient, safe, and cost-
1670 effective transportation system. Minorities, the elderly, and
1671 the handicapped must be adequately represented.

1672 2. Notwithstanding the provisions of subparagraph 1., an
1673 M.P.O. may, with the approval of the department and the
1674 applicable federal governmental agency, adopt an alternative
1675 program or mechanism to ensure citizen involvement in the
1676 transportation planning process.

1677 (f) The department shall allocate to each M.P.O., for the
1678 purpose of accomplishing its transportation planning and
1679 programming duties, an appropriate amount of federal
1680 transportation planning funds.

1681 (g) Each M.P.O. shall have an executive or staff director
 1682 who reports directly to the M.P.O. governing board for all
 1683 matters regarding the administration and operation of the M.P.O.
 1684 and any additional personnel as deemed necessary. The executive
 1685 director and any additional personnel may be employed either by
 1686 an M.P.O. or by another governmental entity, such as a county,
 1687 city, or regional planning council, that has a staff services
 1688 agreement signed and in effect with the M.P.O. Each M.P.O. may
 1689 ~~employ personnel or may~~ enter into contracts with local or state
 1690 agencies, private planning firms, ~~or~~ private engineering firms,
 1691 or other public or private entities to accomplish its
 1692 transportation planning and programming duties and
 1693 administrative functions ~~required by state or federal law.~~

1694 (h) In order to enhance their knowledge, effectiveness,
 1695 and participation in the urbanized area transportation planning
 1696 process, each M.P.O. shall provide training opportunities and
 1697 training funds specifically for local elected officials and
 1698 others who serve on an M.P.O. The training opportunities may be
 1699 conducted by an individual M.P.O. or through statewide and
 1700 federal training programs and initiatives that are specifically
 1701 designed to meet the needs of M.P.O. board members.

1702 (i) ~~(h)~~ A chair's coordinating committee is created,
 1703 composed of the M.P.O.'s serving Hernando, Hillsborough,
 1704 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 1705 committee must, at a minimum:

- 1706 1. Coordinate transportation projects deemed to be
- 1707 regionally significant by the committee.
- 1708 2. Review the impact of regionally significant land use

1709 decisions on the region.

1710 3. Review all proposed regionally significant
1711 transportation projects in the respective transportation
1712 improvement programs which affect more than one of the M.P.O.'s
1713 represented on the committee.

1714 4. Institute a conflict resolution process to address any
1715 conflict that may arise in the planning and programming of such
1716 regionally significant projects.

1717 (j)~~(i)~~1. The Legislature finds that the state's rapid
1718 growth in recent decades has caused many urbanized areas subject
1719 to M.P.O. jurisdiction to become contiguous to each other. As a
1720 result, various transportation projects may cross from the
1721 jurisdiction of one M.P.O. into the jurisdiction of another
1722 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
1723 have been mandated, M.P.O.'s shall develop coordination
1724 mechanisms with one another to expand and improve transportation
1725 within the state. The appropriate method of coordination between
1726 M.P.O.'s shall vary depending upon the project involved and
1727 given local and regional needs. Consequently, it is appropriate
1728 to set forth a flexible methodology that can be used by M.P.O.'s
1729 to coordinate with other M.P.O.'s and appropriate political
1730 subdivisions as circumstances demand.

1731 2. Any M.P.O. may join with any other M.P.O. or any
1732 individual political subdivision to coordinate activities or to
1733 achieve any federal or state transportation planning or
1734 development goals or purposes consistent with federal or state
1735 law. When an M.P.O. determines that it is appropriate to join
1736 with another M.P.O. or any political subdivision to coordinate

1737 activities, the M.P.O. or political subdivision shall enter into
 1738 an interlocal agreement pursuant to s. 163.01, which, at a
 1739 minimum, creates a separate legal or administrative entity to
 1740 coordinate the transportation planning or development activities
 1741 required to achieve the goal or purpose; provides ~~provide~~ the
 1742 purpose for which the entity is created; provides ~~provide~~ the
 1743 duration of the agreement and the entity, ~~and~~ specifies ~~specify~~
 1744 how the agreement may be terminated, modified, or rescinded;
 1745 describes ~~describe~~ the precise organization of the entity,
 1746 including who has voting rights on the governing board, whether
 1747 alternative voting members are provided for, how voting members
 1748 are appointed, and what the relative voting strength is for each
 1749 constituent M.P.O. or political subdivision; provides ~~provide~~
 1750 the manner in which the parties to the agreement will provide
 1751 for the financial support of the entity and payment of costs and
 1752 expenses of the entity; provides ~~provide~~ the manner in which
 1753 funds may be paid to and disbursed from the entity; and provides
 1754 ~~provide~~ how members of the entity will resolve disagreements
 1755 regarding interpretation of the interlocal agreement or disputes
 1756 relating to the operation of the entity. Such interlocal
 1757 agreement shall become effective upon its recordation in the
 1758 official public records of each county in which a member of the
 1759 entity created by the interlocal agreement has a voting member.
 1760 This paragraph does not require any M.P.O.'s to merge, combine,
 1761 or otherwise join together as a single M.P.O.

1762 (7) ~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1763 develop a long-range transportation plan that addresses at least
 1764 a 20-year planning horizon. The plan must include both long-

1765 range and short-range strategies and must comply with all other
1766 state and federal requirements. The prevailing principles to be
1767 considered in the long-range transportation plan are: preserving
1768 the existing transportation infrastructure; enhancing Florida's
1769 economic competitiveness; and improving travel choices to ensure
1770 mobility. The long-range transportation plan must be consistent,
1771 to the maximum extent feasible, with future land use elements
1772 and the goals, objectives, and policies of the approved local
1773 government comprehensive plans of the units of local government
1774 located within the jurisdiction of the M.P.O. The approved long-
1775 range transportation plan must be considered by local
1776 governments in the development of the transportation elements in
1777 local government comprehensive plans and any amendments thereto.
1778 The long-range transportation plan must, at a minimum:

1779 (a) Identify transportation facilities, including, but not
1780 limited to, major roadways, airports, seaports, spaceports,
1781 commuter rail systems, transit systems, and intermodal or
1782 multimodal terminals that will function as an integrated
1783 metropolitan transportation system. The long-range
1784 transportation plan must give emphasis to those transportation
1785 facilities that serve national, statewide, or regional
1786 functions, and must consider the goals and objectives identified
1787 in the Florida Transportation Plan as provided in s. 339.155. If
1788 a project is located within the boundaries of more than one
1789 M.P.O., the M.P.O.'s must coordinate plans regarding the project
1790 in the long-range transportation plan.

1791 (b) Include a financial plan that demonstrates how the
1792 plan can be implemented, indicating resources from public and

1793 private sources which are reasonably expected to be available to
1794 carry out the plan, and recommends any additional financing
1795 strategies for needed projects and programs. The financial plan
1796 may include, for illustrative purposes, additional projects that
1797 would be included in the adopted long-range transportation plan
1798 if reasonable additional resources beyond those identified in
1799 the financial plan were available. For the purpose of developing
1800 the long-range transportation plan, the M.P.O. and the
1801 department shall cooperatively develop estimates of funds that
1802 will be available to support the plan implementation. Innovative
1803 financing techniques may be used to fund needed projects and
1804 programs. Such techniques may include the assessment of tolls,
1805 the use of value capture financing, or the use of value pricing.

1806 (c) Assess capital investment and other measures necessary
1807 to:

1808 1. Ensure the preservation of the existing metropolitan
1809 transportation system including requirements for the operation,
1810 resurfacing, restoration, and rehabilitation of major roadways
1811 and requirements for the operation, maintenance, modernization,
1812 and rehabilitation of public transportation facilities; and

1813 2. Make the most efficient use of existing transportation
1814 facilities to relieve vehicular congestion and maximize the
1815 mobility of people and goods.

1816 (d) Indicate, as appropriate, proposed transportation
1817 enhancement activities, including, but not limited to,
1818 pedestrian and bicycle facilities, scenic easements,
1819 landscaping, historic preservation, mitigation of water

1820 pollution due to highway runoff, and control of outdoor
 1821 advertising.

1822 (e) In addition to the requirements of paragraphs (a)-(d),
 1823 in metropolitan areas that are classified as nonattainment areas
 1824 for ozone or carbon monoxide, the M.P.O. must coordinate the
 1825 development of the long-range transportation plan with the State
 1826 Implementation Plan developed pursuant to the requirements of
 1827 the federal Clean Air Act.

1828
 1829 In the development of its long-range transportation plan, each
 1830 M.P.O. must provide the public, affected public agencies,
 1831 representatives of transportation agency employees, freight
 1832 shippers, providers of freight transportation services, private
 1833 providers of transportation, representatives of users of public
 1834 transit, and other interested parties with a reasonable
 1835 opportunity to comment on the long-range transportation plan.
 1836 The long-range transportation plan must be approved by the
 1837 M.P.O.

1838 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
 1839 shall, in cooperation with the state and affected public
 1840 transportation operators, develop a transportation improvement
 1841 program for the area within the jurisdiction of the M.P.O. In
 1842 the development of the transportation improvement program, each
 1843 M.P.O. must provide the public, affected public agencies,
 1844 representatives of transportation agency employees, freight
 1845 shippers, providers of freight transportation services, private
 1846 providers of transportation, representatives of users of public
 1847 transit, and other interested parties with a reasonable

1848 opportunity to comment on the proposed transportation
 1849 improvement program.

1850 (a) Each M.P.O. is responsible for developing, annually, a
 1851 list of project priorities and a transportation improvement
 1852 program. The prevailing principles to be considered by each
 1853 M.P.O. when developing a list of project priorities and a
 1854 transportation improvement program are: preserving the existing
 1855 transportation infrastructure; enhancing Florida's economic
 1856 competitiveness; and improving travel choices to ensure
 1857 mobility. The transportation improvement program will be used to
 1858 initiate federally aided transportation facilities and
 1859 improvements as well as other transportation facilities and
 1860 improvements including transit, rail, aviation, spaceport, and
 1861 port facilities to be funded from the State Transportation Trust
 1862 Fund within its metropolitan area in accordance with existing
 1863 and subsequent federal and state laws and rules and regulations
 1864 related thereto. The transportation improvement program shall be
 1865 consistent, to the maximum extent feasible, with the approved
 1866 local government comprehensive plans of the units of local
 1867 government whose boundaries are within the metropolitan area of
 1868 the M.P.O. and include those projects programmed pursuant to s.
 1869 339.2819(4).

1870 (b) Each M.P.O. annually shall prepare a list of project
 1871 priorities and shall submit the list to the appropriate district
 1872 of the department by October 1 of each year; however, the
 1873 department and a metropolitan planning organization may, in
 1874 writing, agree to vary this submittal date. The list of project
 1875 priorities must be formally reviewed by the technical and

1876 citizens' advisory committees, and approved by the M.P.O.,
 1877 before it is transmitted to the district. The approved list of
 1878 project priorities must be used by the district in developing
 1879 the district work program and must be used by the M.P.O. in
 1880 developing its transportation improvement program. The annual
 1881 list of project priorities must be based upon project selection
 1882 criteria that, at a minimum, consider the following:

- 1883 1. The approved M.P.O. long-range transportation plan;
- 1884 2. The Strategic Intermodal System Plan developed under s.
 1885 339.64.
- 1886 3. The priorities developed pursuant to s. 339.2819(4).
- 1887 4. The results of the transportation management systems;
- 1888 and
- 1889 5. The M.P.O.'s public-involvement procedures.

1890 (c) The transportation improvement program must, at a
 1891 minimum:

- 1892 1. Include projects and project phases to be funded with
 1893 state or federal funds within the time period of the
 1894 transportation improvement program and which are recommended for
 1895 advancement during the next fiscal year and 4 subsequent fiscal
 1896 years. Such projects and project phases must be consistent, to
 1897 the maximum extent feasible, with the approved local government
 1898 comprehensive plans of the units of local government located
 1899 within the jurisdiction of the M.P.O. For informational
 1900 purposes, the transportation improvement program shall also
 1901 include a list of projects to be funded from local or private
 1902 revenues.

1903 2. Include projects within the metropolitan area which are
 1904 proposed for funding under 23 U.S.C. s. 134 of the Federal
 1905 Transit Act and which are consistent with the long-range
 1906 transportation plan developed under subsection (7) ~~(6)~~.

1907 3. Provide a financial plan that demonstrates how the
 1908 transportation improvement program can be implemented; indicates
 1909 the resources, both public and private, that are reasonably
 1910 expected to be available to accomplish the program; identifies
 1911 any innovative financing techniques that may be used to fund
 1912 needed projects and programs; and may include, for illustrative
 1913 purposes, additional projects that would be included in the
 1914 approved transportation improvement program if reasonable
 1915 additional resources beyond those identified in the financial
 1916 plan were available. Innovative financing techniques may include
 1917 the assessment of tolls, the use of value capture financing, or
 1918 the use of value pricing. The transportation improvement program
 1919 may include a project or project phase only if full funding can
 1920 reasonably be anticipated to be available for the project or
 1921 project phase within the time period contemplated for completion
 1922 of the project or project phase.

1923 4. Group projects and project phases of similar urgency
 1924 and anticipated staging into appropriate staging periods.

1925 5. Indicate how the transportation improvement program
 1926 relates to the long-range transportation plan developed under
 1927 subsection (7) ~~(6)~~, including providing examples of specific
 1928 projects or project phases that further the goals and policies
 1929 of the long-range transportation plan.

1930 6. Indicate whether any project or project phase is
 1931 inconsistent with an approved comprehensive plan of a unit of
 1932 local government located within the jurisdiction of the M.P.O.
 1933 If a project is inconsistent with an affected comprehensive
 1934 plan, the M.P.O. must provide justification for including the
 1935 project in the transportation improvement program.

1936 7. Indicate how the improvements are consistent, to the
 1937 maximum extent feasible, with affected seaport, airport, and
 1938 spaceport master plans and with public transit development plans
 1939 of the units of local government located within the jurisdiction
 1940 of the M.P.O. If a project is located within the boundaries of
 1941 more than one M.P.O., the M.P.O.'s must coordinate plans
 1942 regarding the project in the transportation improvement program.

1943 (d) Projects included in the transportation improvement
 1944 program and that have advanced to the design stage of
 1945 preliminary engineering may be removed from or rescheduled in a
 1946 subsequent transportation improvement program only by the joint
 1947 action of the M.P.O. and the department. Except when recommended
 1948 in writing by the district secretary for good cause, any project
 1949 removed from or rescheduled in a subsequent transportation
 1950 improvement program shall not be rescheduled by the M.P.O. in
 1951 that subsequent program earlier than the 5th year of such
 1952 program.

1953 (e) During the development of the transportation
 1954 improvement program, the M.P.O. shall, in cooperation with the
 1955 department and any affected public transit operation, provide
 1956 citizens, affected public agencies, representatives of
 1957 transportation agency employees, freight shippers, providers of

1958 freight transportation services, private providers of
 1959 transportation, representatives of users of public transit, and
 1960 other interested parties with reasonable notice of and an
 1961 opportunity to comment on the proposed program.

1962 (f) The adopted annual transportation improvement program
 1963 for M.P.O.'s in nonattainment or maintenance areas must be
 1964 submitted to the district secretary and the Department of
 1965 Community Affairs at least 90 days before the submission of the
 1966 state transportation improvement program by the department to
 1967 the appropriate federal agencies. The annual transportation
 1968 improvement program for M.P.O.'s in attainment areas must be
 1969 submitted to the district secretary and the Department of
 1970 Community Affairs at least 45 days before the department submits
 1971 the state transportation improvement program to the appropriate
 1972 federal agencies; however, the department, the Department of
 1973 Community Affairs, and a metropolitan planning organization may,
 1974 in writing, agree to vary this submittal date. The Governor or
 1975 the Governor's designee shall review and approve each
 1976 transportation improvement program and any amendments thereto.

1977 (g) The Department of Community Affairs shall review the
 1978 annual transportation improvement program of each M.P.O. for
 1979 consistency with the approved local government comprehensive
 1980 plans of the units of local government whose boundaries are
 1981 within the metropolitan area of each M.P.O. and shall identify
 1982 those projects that are inconsistent with such comprehensive
 1983 plans. The Department of Community Affairs shall notify an
 1984 M.P.O. of any transportation projects contained in its
 1985 transportation improvement program which are inconsistent with

1986 | the approved local government comprehensive plans of the units
 1987 | of local government whose boundaries are within the metropolitan
 1988 | area of the M.P.O.

1989 | (h) The M.P.O. shall annually publish or otherwise make
 1990 | available for public review the annual listing of projects for
 1991 | which federal funds have been obligated in the preceding year.
 1992 | Project monitoring systems must be maintained by those agencies
 1993 | responsible for obligating federal funds and made accessible to
 1994 | the M.P.O.'s.

1995 | (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 1996 | develop, in cooperation with the department and public
 1997 | transportation providers, a unified planning work program that
 1998 | lists all planning tasks to be undertaken during the program
 1999 | year. The unified planning work program must provide a complete
 2000 | description of each planning task and an estimated budget
 2001 | therefor and must comply with applicable state and federal law.

2002 | (10)~~(9)~~ AGREEMENTS.--

2003 | (a) Each M.P.O. shall execute the following written
 2004 | agreements, which shall be reviewed, and updated as necessary,
 2005 | every 5 years:

2006 | 1. An agreement with the department clearly establishing
 2007 | the cooperative relationship essential to accomplish the
 2008 | transportation planning requirements of state and federal law.

2009 | 2. An agreement with the metropolitan and regional
 2010 | intergovernmental coordination and review agencies serving the
 2011 | metropolitan areas, specifying the means by which activities
 2012 | will be coordinated and how transportation planning and

2013 programming will be part of the comprehensive planned
 2014 development of the area.

2015 3. An agreement with operators of public transportation
 2016 systems, including transit systems, commuter rail systems,
 2017 airports, seaports, and spaceports, describing the means by
 2018 which activities will be coordinated and specifying how public
 2019 transit, commuter rail, aviation, seaport, and aerospace
 2020 planning and programming will be part of the comprehensive
 2021 planned development of the metropolitan area.

2022 (b) An M.P.O. may execute other agreements required by
 2023 state or federal law or as necessary to properly accomplish its
 2024 functions.

2025 (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
 2026 COUNCIL.--

2027 (a) A Metropolitan Planning Organization Advisory Council
 2028 is created to augment, and not supplant, the role of the
 2029 individual M.P.O.'s in the cooperative transportation planning
 2030 process described in this section.

2031 (b) The council shall consist of one representative from
 2032 each M.P.O. and shall elect a chairperson annually from its
 2033 number. Each M.P.O. shall also elect an alternate representative
 2034 from each M.P.O. to vote in the absence of the representative.
 2035 Members of the council do not receive any compensation for their
 2036 services, but may be reimbursed from funds made available to
 2037 council members for travel and per diem expenses incurred in the
 2038 performance of their council duties as provided in s. 112.061.

2039 (c) The powers and duties of the Metropolitan Planning
 2040 Organization Advisory Council are to:

- 2041 1. Enter into contracts with individuals, private
 2042 corporations, and public agencies.
- 2043 2. Acquire, own, operate, maintain, sell, or lease
 2044 personal property essential for the conduct of business.
- 2045 3. Accept funds, grants, assistance, gifts, or bequests
 2046 from private, local, state, or federal sources.
- 2047 4. Establish bylaws and adopt rules pursuant to ss.
 2048 120.536(1) and 120.54 to implement provisions of law conferring
 2049 powers or duties upon it.
- 2050 5. Assist M.P.O.'s in carrying out the urbanized area
 2051 transportation planning process by serving as the principal
 2052 forum for collective policy discussion pursuant to law.
- 2053 6. Serve as a clearinghouse for review and comment by
 2054 M.P.O.'s on the Florida Transportation Plan and on other issues
 2055 required to comply with federal or state law in carrying out the
 2056 urbanized area transportation and systematic planning processes
 2057 instituted pursuant to s. 339.155.
- 2058 7. Employ an executive director and such other staff as
 2059 necessary to perform adequately the functions of the council,
 2060 within budgetary limitations. The executive director and staff
 2061 are exempt from part II of chapter 110 and serve at the
 2062 direction and control of the council. The council is assigned to
 2063 the Office of the Secretary of the Department of Transportation
 2064 for fiscal and accountability purposes, but it shall otherwise
 2065 function independently of the control and direction of the
 2066 department.
- 2067 8. Adopt an agency strategic plan that provides the
 2068 priority directions the agency will take to carry out its

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2069 mission within the context of the state comprehensive plan and
 2070 any other statutory mandates and directions given to the agency.

2071 (12)~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by
 2072 an agency of the Federal Government that any provision of this
 2073 section conflicts with federal laws or regulations, such federal
 2074 laws or regulations will take precedence to the extent of the
 2075 conflict until such conflict is resolved. The department or an
 2076 M.P.O. may take any necessary action to comply with such federal
 2077 laws and regulations or to continue to remain eligible to
 2078 receive federal funds.

2079 (13)~~(12)~~ VOTING REQUIREMENTS.--Each long-range
 2080 transportation plan required pursuant to subsection (7) ~~(6)~~,
 2081 each annually updated Transportation Improvement Program
 2082 required under subsection (8) ~~(7)~~, and each amendment that
 2083 affects projects in the first 3 years of such plans and programs
 2084 must be approved by each M.P.O. on a recorded roll call vote, or
 2085 hand-counted vote, of a majority of the membership present.

2086 Section 29. Subsection (2) of section 339.2819, Florida
 2087 Statutes, is amended to read:

2088 339.2819 Transportation Regional Incentive Program.--

2089 (2) The percentage of matching funds provided from the
 2090 Transportation Regional Incentive Program shall be 50 percent of
 2091 project costs, ~~or up to 50 percent of the nonfederal share of~~
 2092 ~~the eligible project cost for a public transportation facility~~
 2093 ~~project.~~

2094 Section 30. Section 339.282, Florida Statutes, is created
 2095 to read:

2096 339.282 Transportation concurrency incentives.--The

2097 Legislature finds that allowing private-sector entities to
 2098 finance, construct, and improve public transportation facilities
 2099 can provide significant benefits to the citizens of this state
 2100 by facilitating transportation of the general public without the
 2101 need for additional public tax revenues. In order to encourage
 2102 the more efficient and proactive provision of transportation
 2103 improvements by the private sector, if a developer or property
 2104 owner voluntarily contributes right-of-way and physically
 2105 constructs or expands a state transportation facility or segment
 2106 and such construction or expansion improves traffic flow,
 2107 capacity, or safety, the voluntary contribution may be applied
 2108 as a credit for that property owner or developer against any
 2109 future transportation concurrency requirement pursuant to
 2110 chapter 163, provided such contributions and credits are set
 2111 forth in a legally binding agreement executed by the property
 2112 owner or developer, the local government within whose
 2113 jurisdiction the facility is located, and the department. If the
 2114 developer or property owner voluntarily contributes right-of-way
 2115 and physically constructs or expands a local government facility
 2116 or segment and such construction or expansion meets the
 2117 requirements in this section and in a legally binding agreement
 2118 between the property owner or developer and the applicable local
 2119 government, the contribution to the local government collector
 2120 and the arterial system may be applied as credit against any
 2121 future transportation concurrency requirements within the
 2122 jurisdiction pursuant to chapter 163.

2123 Section 31. Subsection (4) of section 339.55, Florida
 2124 Statutes, is amended, and paragraph (c) is added to subsection

2125 (2) and paragraph (j) is added to subsection (7) of that
 2126 section, to read:

2127 339.55 State-funded infrastructure bank.--

2128 (2) The bank may lend capital costs or provide credit
 2129 enhancements for:

2130 (c)1. Emergency loans for damages incurred to public-use
 2131 commercial deepwater seaports, public-use airports, and other
 2132 public-use transit and intermodal facilities that are within an
 2133 area that is part of an official state declaration of emergency
 2134 pursuant to chapter 252 and all other applicable laws. Such
 2135 loans:

2136 a. May not exceed 24 months in duration except in extreme
 2137 circumstances, for which the Secretary of Transportation may
 2138 grant up to 36 months upon making written findings specifying
 2139 the conditions requiring a 36-month term.

2140 b. Require application from the recipient to the
 2141 department that includes documentation of damage claims filed
 2142 with the Federal Emergency Management Agency or an applicable
 2143 insurance carrier and documentation of the recipient's overall
 2144 financial condition.

2145 c. Are subject to approval by the Secretary of
 2146 Transportation and the Legislative Budget Commission.

2147 2. Loans provided under this paragraph must be repaid upon
 2148 receipt by the recipient of eligible program funding for damages
 2149 in accordance with the claims filed with the Federal Emergency
 2150 Management Agency or an applicable insurance carrier, but no
 2151 later than the duration of the loan.

2152 (4) Loans from the bank may bear interest at or below

2153 market interest rates, as determined by the department.
 2154 Repayment of any loan from the bank shall commence not later
 2155 than 5 years after the project has been completed or, in the
 2156 case of a highway project, the facility has opened to traffic,
 2157 whichever is later, and shall be repaid in no more than 30
 2158 years, except for loans provided under paragraph (2)(c), which
 2159 shall be repaid in no more than 36 months.

2160 (7) The department may consider, but is not limited to,
 2161 the following criteria for evaluation of projects for assistance
 2162 from the bank:

2163 (j) The extent to which damage from a disaster that
 2164 results in a declaration of emergency has impacted a public
 2165 transportation facility's ability to maintain its previous level
 2166 of service and remain accessible to the public or has had a
 2167 major impact on the cash flow or revenue-generation ability of
 2168 the public-use facility.

2169 Section 32. Paragraph (a) of subsection (2) of section
 2170 343.81, Florida Statutes, is amended to read:

2171 343.81 Northwest Florida Transportation Corridor
 2172 Authority.--

2173 (2)(a) The governing body of the authority shall consist
 2174 of eight voting members, one each from Escambia, Santa Rosa,
 2175 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
 2176 appointed by the Governor to a 4-year term. The appointees shall
 2177 be residents of their respective counties and may not hold an
 2178 elected office. Upon the effective date of his or her
 2179 appointment, or as soon thereafter as practicable, each
 2180 appointed member of the authority shall enter upon his or her

2181 duties. Each appointed member shall hold office until his or her
 2182 successor has been appointed and has qualified. A vacancy
 2183 occurring during a term shall be filled only for the balance of
 2184 the unexpired term. Any member of the authority shall be
 2185 eligible for reappointment. Members of the authority may be
 2186 removed from office by the Governor for misconduct, malfeasance,
 2187 misfeasance, or nonfeasance in office.

2188 Section 33. The amendments made by this act to s. 343.81,
 2189 Florida Statutes, prohibiting the appointment of a person
 2190 holding an elected office to the Northwest Florida
 2191 Transportation Corridor Authority shall not prohibit any member
 2192 appointed prior to the effective date of this act from
 2193 completing his or her current term, and the prohibition shall
 2194 only apply to members appointed after the effective date of this
 2195 act.

2196 Section 34. Subsection (2) of section 343.82, Florida
 2197 Statutes, is amended to read:

2198 343.82 Purposes and powers.--

2199 (2) (a) The authority is authorized to construct any feeder
 2200 roads, reliever roads, connector roads, bypasses, or appurtenant
 2201 facilities that are intended to improve mobility along the U.S.
 2202 98 corridor. The transportation improvement projects may also
 2203 include all necessary approaches, roads, bridges, and avenues of
 2204 access that are desirable and proper with the concurrence, where
 2205 applicable, of the department if the project is to be part of
 2206 the State Highway System or the respective county or municipal
 2207 governing boards. Any transportation facilities constructed by
 2208 the authority may be tolled.

2209 (b) Notwithstanding any special act to the contrary, the
 2210 authority shall plan for and study the feasibility of
 2211 constructing, operating, and maintaining a bridge or bridges
 2212 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
 2213 access roads to such bridge or bridges, including studying the
 2214 environmental and economic feasibility of such bridge or
 2215 bridges and access roads, and such other transportation
 2216 facilities that become part of such bridge system. The authority
 2217 may construct, operate, and maintain the bridge system if the
 2218 authority determines that the bridge system project is feasible
 2219 and consistent with the authority's primary purpose and master
 2220 plan.

2221 Section 35. Subsection (9) of section 348.0004, Florida
 2222 Statutes, is amended to read:

2223 348.0004 Purposes and powers.--

2224 (9) The Legislature declares that there is a public need
 2225 for rapid construction of safe and efficient transportation
 2226 facilities for travel within the state and that it is in the
 2227 public's interest to provide for public-private partnership
 2228 agreements to effectuate the construction of additional safe,
 2229 convenient, and economical transportation facilities.

2230 (a) Notwithstanding any other provision of the Florida
 2231 Expressway Authority Act, any expressway authority,
 2232 transportation authority, bridge authority, or toll authority
 2233 established under this part or any other statute may receive or
 2234 solicit proposals and enter into agreements with private
 2235 entities, or consortia thereof, for the building, operation,
 2236 ownership, or financing of ~~expressway~~ authority transportation

2237 facilities or new transportation facilities within the
 2238 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 2239 authority is authorized to adopt rules to implement this
 2240 subsection and shall, by rule, establish an application fee for
 2241 the submission of unsolicited proposals under this subsection.
 2242 The fee must be sufficient to pay the costs of evaluating the
 2243 proposals. An ~~expressway~~ authority may engage private
 2244 consultants to assist in the evaluation. Before approval, an
 2245 ~~expressway~~ authority must determine that a proposed project:

- 2246 1. Is in the public's best interest.
- 2247 2. Would not require state funds to be used unless the
 2248 project is on or provides increased mobility on the State
 2249 Highway System.
- 2250 3. Would have adequate safeguards to ensure that no
 2251 additional costs or service disruptions would be realized by the
 2252 traveling public and residents ~~citizens~~ of the state in the
 2253 event of default or the cancellation of the agreement by the
 2254 ~~expressway~~ authority.

2255 (b) An ~~expressway~~ authority shall ensure that all
 2256 reasonable costs to the state which are, related to
 2257 transportation facilities that are not part of the State Highway
 2258 System, are borne by the private entity. An ~~expressway~~ authority
 2259 shall also ensure that all reasonable costs to the state and
 2260 substantially affected local governments and utilities related
 2261 to the private transportation facility are borne by the private
 2262 entity for transportation facilities that are owned by private
 2263 entities. For projects on the State Highway System, the
 2264 department may use state resources to participate in funding and

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2265 financing the project as provided for under the department's
2266 enabling legislation.

2267 (c) The ~~expressway~~ authority may request proposals for
2268 public-private transportation projects or, if it receives an
2269 unsolicited proposal, it must publish a notice in the Florida
2270 Administrative Weekly and a newspaper of general circulation in
2271 the county in which it is located at least once a week for 2
2272 weeks, stating that it has received the proposal and will
2273 accept, for 60 days after the initial date of publication, other
2274 proposals for the same project purpose. A copy of the notice
2275 must be mailed to each local government in the affected areas.
2276 After the public notification period has expired, the ~~expressway~~
2277 authority shall rank the proposals in order of preference. In
2278 ranking the proposals, the ~~expressway~~ authority shall consider
2279 professional qualifications, general business terms, innovative
2280 engineering or cost-reduction terms, finance plans, and the need
2281 for state funds to deliver the proposal. If the ~~expressway~~
2282 authority is not satisfied with the results of the negotiations,
2283 it may, at its sole discretion, terminate negotiations with the
2284 proposer. If these negotiations are unsuccessful, the ~~expressway~~
2285 authority may go to the second and lower-ranked firms, in order,
2286 using the same procedure. If only one proposal is received, the
2287 ~~expressway~~ authority may negotiate in good faith, and if it is
2288 not satisfied with the results, it may, at its sole discretion,
2289 terminate negotiations with the proposer. Notwithstanding this
2290 paragraph, the ~~expressway~~ authority may, at its discretion,
2291 reject all proposals at any point in the process up to
2292 completion of a contract with the proposer.

2293 (d) The department may lend funds from the Toll Facilities
 2294 Revolving Trust Fund, as outlined in s. 338.251, to public-
 2295 private partnerships. To be eligible, a private entity must
 2296 comply with s. 338.251 and must provide an indication from a
 2297 nationally recognized rating agency that the senior bonds for
 2298 the project will be investment grade or must provide credit
 2299 support, such as a letter of credit or other means acceptable to
 2300 the department, to ensure that the loans will be fully repaid.

2301 (e) Agreements entered into pursuant to this subsection
 2302 may authorize the public-private entity to impose tolls or fares
 2303 for the use of the facility. However, the amount and use of toll
 2304 or fare revenues shall be regulated by the ~~expressway~~ authority
 2305 to avoid unreasonable costs to users of the facility.

2306 (f) Agreements entered into pursuant to this section may
 2307 lease existing toll facilities through public-private
 2308 partnerships. If the agreement for leasing an existing toll
 2309 facility does not include provisions for additional capacity,
 2310 the project and the provisions of the agreement must be approved
 2311 by the Florida Transportation Commission.

2312 (g)~~(f)~~ Each public-private transportation facility
 2313 constructed pursuant to this subsection shall comply with all
 2314 requirements of federal, state, and local laws; state, regional,
 2315 and local comprehensive plans; the ~~expressway~~ authority's rules,
 2316 policies, procedures, and standards for transportation
 2317 facilities; and any other conditions that the ~~expressway~~
 2318 authority determines to be in the public's best interest.

2319 (h)~~(g)~~ An ~~expressway~~ authority may exercise any power
 2320 possessed by it, including eminent domain, to facilitate the

2321 development and construction of transportation projects pursuant
 2322 to this subsection. An ~~expressway~~ authority may pay all or part
 2323 of the cost of operating and maintaining the facility or may
 2324 provide services to the private entity for which it receives
 2325 full or partial reimbursement for services rendered.

2326 (i)~~(h)~~ Except as herein provided, this subsection is not
 2327 intended to amend existing laws by granting additional powers to
 2328 or further restricting the governmental entities from regulating
 2329 and entering into cooperative arrangements with the private
 2330 sector for the planning, construction, and operation of
 2331 transportation facilities. Use of the powers granted in this
 2332 subsection may not subject a statutorily created expressway
 2333 authority, transportation authority, bridge authority, or toll
 2334 authority, other than one statutorily created under this part,
 2335 to any of the requirements of this part other than those
 2336 contained in this subsection.

2337 Section 36. Section 348.0012, Florida Statutes, is amended
 2338 to read:

2339 348.0012 Exemptions from applicability.--The Florida
 2340 Expressway Authority Act does not apply:

2341 (1) In a county in which an expressway authority has been
 2342 created pursuant to parts II-IX of this chapter, except as
 2343 expressly provided in this part; or

2344 (2) To a transportation authority created pursuant to
 2345 chapter 349.

2346 Section 37. Paragraph (1) of subsection (2) of section
 2347 348.243, Florida Statutes, is amended to read:

2348 348.243 Purposes and powers.--

2349 (2) The authority is granted, and shall have and may
 2350 exercise, all powers necessary, appurtenant, convenient, or
 2351 incidental to the carrying out of the aforesaid purposes,
 2352 including, but not limited to, the following rights and powers:

2353 (1) To enter into an agreement to sell, transfer, and
 2354 dispose of all property of the Sawgrass Expressway, whether
 2355 real, personal, or mixed, tangible or intangible, to the
 2356 Department of Transportation as part of the Turnpike System in
 2357 accordance with s. 338.2275 (3) ~~(4)~~.

2358 Section 38. Subsection (6) is added to section 348.754,
 2359 Florida Statutes, to read:

2360 348.754 Purposes and powers.--

2361 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
 2362 County Expressway Authority may waive payment and performance
 2363 bonds on construction contracts for the construction of a public
 2364 building, for the prosecution and completion of a public work,
 2365 or for repairs on a public building or public work that has a
 2366 cost of \$500,000 or less and when the project is awarded
 2367 pursuant to an economic development program for the
 2368 encouragement of local small businesses that has been adopted by
 2369 the governing body of the Orlando-Orange County Expressway
 2370 Authority pursuant to a resolution or policy.

2371 (b) The authority's adopted criteria for participation in
 2372 the economic development program for local small businesses
 2373 requires that a participant:

2374 1. Be an independent business.

2375 2. Be principally domiciled in the Orange County Standard
 2376 Metropolitan Statistical Area.

2377 3. Employ 25 or fewer full-time employees.

2378 4. Have gross annual sales averaging \$3 million or less
 2379 over the immediately preceding 3 calendar years with regard to
 2380 any construction element of the program.

2381 5. Be accepted as a participant in the Orlando-Orange
 2382 County Expressway Authority's microcontracts program or such
 2383 other small business program as may be hereinafter enacted by
 2384 the Orlando-Orange County Expressway Authority.

2385 6. Participate in an educational curriculum or technical
 2386 assistance program for business development that will assist the
 2387 small business in becoming eligible for bonding.

2388 (c) The authority's adopted procedures for waiving payment
 2389 and performance bonds on projects with values not less than
 2390 \$200,000 and not exceeding \$500,000 shall provide that payment
 2391 and performance bonds may only be waived on projects that have
 2392 been set aside to be competitively bid on by participants in an
 2393 economic development program for local small businesses. The
 2394 authority's executive director or his or her designee shall
 2395 determine whether specific construction projects are suitable
 2396 for:

2397 1. Bidding under the authority's microcontracts program by
 2398 registered local small businesses; and

2399 2. Waiver of the payment and performance bond.

2400

2401 The decision of the authority's executive director or deputy
 2402 executive director to waive the payment and performance bond
 2403 shall be based upon his or her investigation and conclusion that
 2404 there exists sufficient competition so that the authority

2405 receives a fair price and does not undertake any unusual risk
2406 with respect to such project.

2407 (d) For any contract for which a payment and performance
2408 bond has been waived pursuant to the authority set forth in this
2409 section, the Orlando-Orange County Expressway Authority shall
2410 pay all persons defined in s. 713.01 who furnish labor,
2411 services, or materials for the prosecution of the work provided
2412 for in the contract to the same extent and upon the same
2413 conditions that a surety on the payment bond under s. 255.05
2414 would have been obligated to pay such persons if the payment and
2415 performance bond had not been waived. The authority shall record
2416 notice of this obligation in the manner and location that surety
2417 bonds are recorded. The notice shall include the information
2418 describing the contract that s. 255.05(1) requires be stated on
2419 the front page of the bond. Notwithstanding that s. 255.05(9)
2420 generally applies when a performance and payment bond is
2421 required, s. 255.05(9) shall apply under this subsection to any
2422 contract on which performance or payment bonds are waived and
2423 any claim to payment under this subsection shall be treated as a
2424 contract claim pursuant to s. 255.05(9).

2425 (e) A small business that has been the successful bidder
2426 on six projects for which the payment and performance bond was
2427 waived by the authority pursuant to paragraph (a) shall be
2428 ineligible to bid on additional projects for which the payment
2429 and performance bond is to be waived. The local small business
2430 may continue to participate in other elements of the economic
2431 development program for local small businesses as long as it is
2432 eligible.

2433 (f) The authority shall conduct bond eligibility training
 2434 for businesses qualifying for bond waiver under this subsection
 2435 to encourage and promote bond eligibility for such businesses.

2436 (g) The authority shall prepare a biennial report on the
 2437 activities undertaken pursuant to this subsection to be
 2438 submitted to the Orange County legislative delegation. The
 2439 initial report shall be due December 31, 2010.

2440 Section 39. Paragraph (a) of subsection (3) of section
 2441 163.3177, Florida Statutes, is amended to read:

2442 163.3177 Required and optional elements of comprehensive
 2443 plan; studies and surveys.--

2444 (3)(a) The comprehensive plan shall contain a capital
 2445 improvements element designed to consider the need for and the
 2446 location of public facilities in order to encourage the
 2447 efficient utilization of such facilities and set forth:

2448 1. A component which outlines principles for construction,
 2449 extension, or increase in capacity of public facilities, as well
 2450 as a component which outlines principles for correcting existing
 2451 public facility deficiencies, which are necessary to implement
 2452 the comprehensive plan. The components shall cover at least a 5-
 2453 year period.

2454 2. Estimated public facility costs, including a
 2455 delineation of when facilities will be needed, the general
 2456 location of the facilities, and projected revenue sources to
 2457 fund the facilities.

2458 3. Standards to ensure the availability of public
 2459 facilities and the adequacy of those facilities including
 2460 acceptable levels of service.

2461 4. Standards for the management of debt.

2462 5. A schedule of capital improvements which includes

2463 publicly funded projects, and which may include privately funded

2464 projects for which the local government has no fiscal

2465 responsibility, necessary to ensure that adopted level-of-

2466 service standards are achieved and maintained. For capital

2467 improvements that will be funded by the developer, financial

2468 feasibility shall be demonstrated by being guaranteed in an

2469 enforceable development agreement or interlocal agreement

2470 pursuant to paragraph (10)(h), or other enforceable agreement.

2471 These development agreements and interlocal agreements shall be

2472 reflected in the schedule of capital improvements if the capital

2473 improvement is necessary to serve development within the 5-year

2474 schedule. If the local government uses planned revenue sources

2475 that require referenda or other actions to secure the revenue

2476 source, the plan must, in the event the referenda are not passed

2477 or actions do not secure the planned revenue source, identify

2478 other existing revenue sources that will be used to fund the

2479 capital projects or otherwise amend the plan to ensure financial

2480 feasibility.

2481 6. The schedule must include transportation improvements

2482 included in the applicable metropolitan planning organization's

2483 transportation improvement program adopted pursuant to s.

2484 339.175(8)~~(7)~~ to the extent that such improvements are relied

2485 upon to ensure concurrency and financial feasibility. The

2486 schedule must also be coordinated with the applicable

2487 metropolitan planning organization's long-range transportation

2488 plan adopted pursuant to s. 339.175(7)~~(6)~~.

2489 Section 40. Section 339.176, Florida Statutes, is amended
 2490 to read:

2491 339.176 Voting membership for M.P.O. with boundaries
 2492 including certain counties.--In addition to the voting
 2493 membership established by s. 339.175(3)~~(2)~~ and notwithstanding
 2494 any other provision of law to the contrary, the voting
 2495 membership of any Metropolitan Planning Organization whose
 2496 geographical boundaries include any county as defined in s.
 2497 125.011(1) must include an additional voting member appointed by
 2498 that city's governing body for each city with a population of
 2499 50,000 or more residents.

2500 Section 41. Subsection (1) of section 341.828, Florida
 2501 Statutes, is amended to read:

2502 341.828 Permitting.--

2503 (1) The authority, for the purposes of permitting, may
 2504 utilize one or more permitting processes provided for in
 2505 statute, including, but not limited to, the metropolitan
 2506 planning organization long-range transportation planning process
 2507 as defined in s. 339.175~~(6)~~ and (7) and (8), in conjunction with
 2508 the Department of Transportation's work program process as
 2509 defined in s. 339.135, or any permitting process now in effect
 2510 or that may be in effect at the time of permitting and will
 2511 provide the most timely and cost-effective permitting process.

2512 Section 42. Section 2 of chapter 89-383, Laws of Florida,
 2513 is amended to read:

2514 Section 2. Red Road is hereby designated as a state
 2515 historic highway. No public funds shall be expended for:

2516 (1) The removal of any healthy tree which is not a safety

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2517 hazard.

2518 (2) Any alteration of the physical dimensions or location
2519 of Red Road, the median strip thereof, the land adjacent
2520 thereto, or any part of the original composition of the
2521 entranceway, including the towers, the walls, and the lampposts.

2522 (3) Any construction on or along Red Road of any new
2523 structure, or any building, clearing, filling, or excavating on
2524 or along Red Road except for routine maintenance or alterations,
2525 modifications, or improvements to it and the adjacent right-of-
2526 way made for the purpose of enhancing life safety for vehicular
2527 or pedestrian use of Red Road if the number of traffic lanes is
2528 not altered ~~work which is essential to the health, safety, or~~
2529 ~~welfare of the environment.~~

2530 Section 43. This act shall take effect July 1, 2007.