

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; amending s. 112.061, F.S.;  
7           authorizing metropolitan planning organizations and  
8           certain separate entities to establish per diem and travel  
9           reimbursement rates; amending s. 121.021, F.S.; defining  
10          the term "metropolitan planning organization" for purposes  
11          of the Florida Retirement System Act; revising definitions  
12          to include M.P.O.'s and positions in M.P.O.'s; amending s.  
13          121.051, F.S.; providing for M.P.O.'s to participate in  
14          the Florida Retirement System; amending s. 121.055, F.S.;  
15          requiring certain M.P.O. staff positions to be in the  
16          Senior Management Service Class; amending s. 121.061,  
17          F.S.; providing for enforcement of certain employer  
18          funding contributions required under the Florida  
19          Retirement System; authorizing deductions of amounts owed  
20          from certain funds distributed to an M.P.O.; authorizing  
21          the governing body of an M.P.O. to file and maintain an  
22          action in court to require an employer to remit retirement  
23          or social security member contributions or employer  
24          matching payments; amending s. 121.081, F.S.; providing  
25          for M.P.O. officers and staff to claim credit for past  
26          service for retirement benefits; amending s. 212.055,  
27          F.S.; deleting a prohibition against local governments  
28          issuing certain bonds secured by revenues from local

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

57 | amending s. 318.18, F.S.; revising penalties for failure  
58 | to pay a prescribed toll; providing for disposition of  
59 | amounts received by the clerk of court; removing  
60 | procedures for withholding of adjudication; providing for  
61 | suspension of a driver's license under certain  
62 | circumstances; revising penalty provisions to provide for  
63 | certain criminal penalties; imposing a surcharge to be  
64 | paid for specified traffic-related criminal offenses and  
65 | all moving traffic violations; providing for distribution  
66 | of the proceeds of the surcharge to be used for the state  
67 | agency law enforcement radio system; providing for future  
68 | expiration; amending s. 318.21, F.S.; revising  
69 | distribution provisions to provide for distribution of the  
70 | surcharge; providing for future expiration; amending s.  
71 | 320.061, F.S.; prohibiting interfering with the  
72 | legibility, angular visibility, or detectability of any  
73 | feature or detail on a license plate or interfering with  
74 | the ability to photograph or otherwise record any feature  
75 | or detail on a license plate; providing penalties;  
76 | amending s. 332.007, F.S.; authorizing the Department of  
77 | Transportation to provide funds for certain general  
78 | aviation projects under certain circumstances; extending  
79 | the timeframe that the department is authorized to provide  
80 | operational and maintenance assistance to certain airports  
81 | and may redirect the use of certain funds to security-  
82 | related or economic-impact projects related to the events  
83 | of September 11, 2001; amending s. 332.14, F.S.; providing  
84 | that certain members of the Secure Airports for Florida's

85 Economy Council shall be nonvoting members; amending s.  
86 336.025, F.S.; deleting a prohibition against local  
87 governments issuing certain bonds secured by revenues from  
88 local option fuel taxes more than once a year; amending s.  
89 336.41, F.S.; revising an exception to competitive-bid  
90 requirements for certain county road construction and  
91 reconstruction projects; increasing the value threshold  
92 under which the exception applies; defining the term  
93 "construction aggregate materials"; providing legislative  
94 intent; prohibiting a local government from approving or  
95 denying a land use zoning change, comprehensive plan  
96 amendment, land use permit, ordinance, or order regarding  
97 construction aggregate materials without considering  
98 information provided by the Department of Transportation  
99 and considering the effect of such decision; prohibiting  
100 an agency from imposing a moratorium on the mining and  
101 extraction of construction aggregate materials of longer  
102 than a specified period; providing that limerock  
103 environmental resource permitting and reclamation  
104 applications are eligible to be expedited; establishing  
105 the Strategic Aggregates Review Task Force; providing for  
106 membership, staffing, reporting, and expiration; providing  
107 for support and the coordination of data and information  
108 for the task force; requiring that the task force report  
109 its findings to the Governor and the Legislature;  
110 providing report requirements; providing for the  
111 dissolution of the task force; creating s. 337.026, F.S.;

112 authorizing the Department of Transportation to pursue

113 innovative contractual or engineering techniques relating  
114 to construction aggregate materials; authorizing the  
115 department to enter into agreements for construction  
116 aggregate materials; providing exceptions; providing  
117 requirements for such exceptions; amending s. 337.11,  
118 F.S.; providing that certain construction projects be  
119 advertised for bids in local newspapers; amending s.  
120 337.14, F.S.; authorizing the department to waive  
121 specified prequalification requirements for certain  
122 transportation projects under certain conditions; amending  
123 s. 337.18, F.S.; revising surety bond requirements for  
124 construction or maintenance contracts; providing for  
125 incremental annual surety bonds for multiyear maintenance  
126 contracts under certain conditions; revising the threshold  
127 for transportation projects eligible for a waiver of  
128 surety bond requirements; authorizing the department to  
129 provide for phased surety bond coverage or an alternate  
130 means of security for a portion of the contract amount in  
131 lieu of the surety bond; amending s. 338.155, F.S.;  
132 providing for a law enforcement officer operating an  
133 unmarked official vehicle to be exempt from toll payments  
134 under certain conditions; amending s. 338.161, F.S.;  
135 providing for the Department of Transportation and certain  
136 toll agencies to enter into agreements with public or  
137 private entities for additional uses of electronic toll  
138 collection products and services; authorizing feasibility  
139 studies by the department or a toll agency of additional  
140 uses of electronic toll devices for legislative

141 consideration; amending s. 338.2275, F.S.; raising the  
142 limit on outstanding bonds to fund turnpike projects;  
143 removing a provision authorizing the department to acquire  
144 the Sawgrass Expressway from the Broward County Expressway  
145 Authority; amending s. 338.231, F.S.; authorizing the  
146 department to set certain fees for the collection of  
147 unpaid tolls; requiring public notice and public hearing  
148 of the proposed fees; removing a reference to conform;  
149 amending s. 339.175, F.S.; revising intent; providing the  
150 method of creation and operation of M.P.O.'s required to  
151 be designated pursuant to federal law; specifying that an  
152 M.P.O. is separate from the state or the governing body of  
153 a local government that is represented on the governing  
154 board of the M.P.O. or that is a signatory to the  
155 interlocal agreement creating the M.P.O.; providing  
156 specified powers and privileges to the M.P.O.; providing  
157 for the designation and duties of certain officials;  
158 revising requirements for voting membership; defining the  
159 term "elected officials of a general-purpose local  
160 government" to exclude certain constitutional officers for  
161 voting membership purposes; providing for the appointment  
162 of alternates and advisers; providing that members of an  
163 M.P.O. technical advisory committee shall serve at the  
164 pleasure of the M.P.O.; providing for the appointment of  
165 an executive or staff director and other personnel;  
166 authorizing an M.P.O. to enter into contracts with public  
167 or private entities to accomplish its duties and  
168 functions; providing for the training of certain persons

169 who serve on an M.P.O. for certain purposes; requiring  
170 that certain plans, programs, and amendments that affect  
171 projects be approved by each M.P.O. on a recorded roll  
172 call vote, or hand-counted vote, of a majority of the  
173 membership present; amending s. 339.2819, F.S.; revising  
174 the share of matching funds for a public transportation  
175 project provided from the Transportation Regional  
176 Incentive Program; creating s. 339.282, F.S.; providing  
177 for certain transportation-related contributions by a  
178 property owner or developer to be applied toward future  
179 transportation concurrency requirements; amending s.  
180 339.55, F.S.; providing for the use of State  
181 Infrastructure Bank loans for certain damaged  
182 transportation facilities in areas officially declared to  
183 be in a state of emergency; providing criteria; amending  
184 s. 341.071, F.S.; requiring an annual report by certain  
185 public transit providers to be submitted by a certain date  
186 and to address certain potential productivity and  
187 performance enhancements; amending s. 343.81, F.S.;  
188 prohibiting elected officials from serving on the  
189 Northwest Florida Transportation Corridor Authority;  
190 providing for application of the prohibition to apply to  
191 persons appointed to serve on the authority after a  
192 certain date; amending s. 343.82, F.S.; directing the  
193 authority to plan for and study the feasibility of  
194 constructing, operating, and maintaining a bridge or  
195 bridges, and appurtenant structures, spanning  
196 Choctawhatchee Bay or Santa Rosa Sound; authorizing the

197 authority to construct, operate, and maintain said bridges  
 198 and structures; amending s. 348.0004, F.S.; authorizing  
 199 certain transportation-related authorities to enter into  
 200 agreements with private entities for the building,  
 201 operation, ownership, or financing of transportation  
 202 facilities; amending s. 348.0012, F.S.; revising  
 203 provisions for certain exemptions from the Florida  
 204 Expressway Authority Act; amending s. 348.243, F.S.;  
 205 correcting a cross-reference; amending s. 348.754, F.S.;  
 206 authorizing the Orlando-Orange County Expressway Authority  
 207 to waive payment and performance bonds on certain  
 208 construction contracts if the contract is awarded pursuant  
 209 to an economic development program for the encouragement  
 210 of local small businesses; providing criteria for  
 211 participation in the program; providing criteria for the  
 212 bond waiver; providing for certain determinations by the  
 213 authority's executive director or a designee as to the  
 214 suitability of a project; providing for certain payment  
 215 obligations if a payment and performance bond is waived;  
 216 requiring the authority to record notice of the  
 217 obligation; limiting eligibility to bid on the projects;  
 218 providing for the authority to conduct bond eligibility  
 219 training for certain businesses; requiring the authority  
 220 to submit biennial reports to the Orange County  
 221 legislative delegation; amending ss. 163.3177, 339.176,  
 222 and 341.828, F.S.; correcting cross-references; amending  
 223 s. 334.30, F.S.; revising legislative intent; authorizing  
 224 the Department of Transportation to advance certain



225 projects in the Strategic Intermodal System Plan using  
226 funds provided by public-private partnerships or private  
227 entities; authorizing the department to lease toll  
228 facilities to private entities; providing criteria for  
229 such leasing agreements; providing that procurements of  
230 public-private partnerships are not subject to specified  
231 provisions unless they are part of the procurement  
232 agreement or the public-private agreement; extending the  
233 unsolicited private proposal advertisement period;  
234 providing criteria for qualification of public-private  
235 partnerships as part of the procurement process; requiring  
236 the department to perform cost-benefit, value-for-money  
237 analyses of the proposed public-private partnership;  
238 providing for certain innovative financing techniques for  
239 public-private partnerships; authorizing the department to  
240 enter into public-private partnership agreements that  
241 include extended terms under certain conditions; requiring  
242 certain projects to be prioritized for selection;  
243 providing public-private partnership agreement term  
244 limits; limiting the amount of certain funds that may be  
245 obligated for public-private projects; providing for the  
246 disposition of certain toll revenues; removing a provision  
247 for the speed of a certain fixed-guideway transportation  
248 system; amending s. 338.165, F.S.; providing for toll rate  
249 increases that are tied to certain inflation indicators;  
250 providing for increases beyond inflation amounts;  
251 repealing part I of chapter 348, F.S.; abolishing  
252 expressway authorities created under the Florida

253 Expressway Authority Act; providing for disposition of  
 254 assets and assumption of liabilities; providing for  
 255 distribution of funds; amending s. 479.01, F.S.; defining  
 256 the term "wall mural"; creating s. 479.156, F.S.;  
 257 providing for regulation of wall murals by municipalities  
 258 or counties; requiring that certain wall murals be located  
 259 in areas zoned for industrial or commercial use; requiring  
 260 local regulation of wall murals to be consistent with  
 261 specified criteria; requiring certain wall murals to be  
 262 approved the Department of Transportation and the Federal  
 263 Highway Administration; amending s. 2 of ch. 89-383, Laws  
 264 of Florida; providing for certain alterations to and along  
 265 Red Road in Miami-Dade County for transportation safety  
 266 purposes; providing an effective date.

267  
 268 Be It Enacted by the Legislature of the State of Florida:

269  
 270 Section 1. Paragraph (h) of subsection (2) of section  
 271 20.23, Florida Statutes, is amended to read:

272 20.23 Department of Transportation.--There is created a  
 273 Department of Transportation which shall be a decentralized  
 274 agency.

275 (2)

276 (h) The commission shall appoint an executive director and  
 277 assistant executive director, who shall serve under the  
 278 direction, supervision, and control of the commission. The  
 279 executive director, with the consent of the commission, shall  
 280 employ such staff as are necessary to perform adequately the

281 functions of the commission, within budgetary limitations. All  
 282 employees of the commission are exempt from part II of chapter  
 283 110 and shall serve at the pleasure of the commission. The  
 284 salaries and benefits of all employees of the commission, except  
 285 for the executive director, shall be set in accordance with the  
 286 Selected Exempt Service; ~~provided~~, however, ~~that~~ the salary and  
 287 benefits of the executive director shall be set in accordance  
 288 with the Senior Management Service. The commission shall have  
 289 complete authority for fixing the salary of the executive  
 290 director and assistant executive director.

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

293 112.061 Per diem and travel expenses of public officers,  
 294 employees, and authorized persons.--

295 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
 296 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
 297 ORGANIZATIONS.--

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

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

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

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

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

314           5. Any metropolitan planning organization created pursuant  
315 to s. 339.175 or any other separate legal or administrative  
316 entity created pursuant to s. 339.175 of which a metropolitan  
317 planning organization is a member, by the enactment of a  
318 resolution.

319           (b) Rates established pursuant to paragraph (a) must apply  
320 uniformly to all travel by the county, county constitutional  
321 officer and entity governed by that officer, district school  
322 board, ~~or~~ special district, or metropolitan planning  
323 organization.

324           (c) Except as otherwise provided in this subsection,  
325 counties, county constitutional officers and entities governed  
326 by those officers, district school boards, ~~and~~ special  
327 districts, and metropolitan planning organizations, other than  
328 those subject to s. 166.021(10), remain subject to the  
329 requirements of this section.

330           Section 3. Subsection (11), paragraph (a) of subsection  
331 (42), and paragraph (b) of subsection (52) of section 121.021,  
332 Florida Statutes, are amended, and subsection (62) is added to  
333 that section, to read:

334           121.021 Definitions.--The following words and phrases as  
335 used in this chapter have the respective meanings set forth  
336 unless a different meaning is plainly required by the context:

337 (11) "Officer or employee" means any person receiving  
338 salary payments for work performed in a regularly established  
339 position and, if employed by a city, a metropolitan planning  
340 organization, or a special district, employed in a covered  
341 group.

342 (42) (a) "Local agency employer" means the board of county  
343 commissioners or other legislative governing body of a county,  
344 however styled, including that of a consolidated or metropolitan  
345 government; a clerk of the circuit court, sheriff, property  
346 appraiser, tax collector, or supervisor of elections, provided  
347 such officer is elected or has been appointed to fill a vacancy  
348 in an elective office; a community college board of trustees or  
349 district school board; or the governing body of any city,  
350 metropolitan planning organization created pursuant to s.  
351 339.175 or any other separate legal or administrative entity  
352 created pursuant to s. 339.175, or special district of the state  
353 which participates in the system for the benefit of certain of  
354 its employees.

355 (52) "Regularly established position" is defined as  
356 follows:

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

362 (62) "Metropolitan planning organization" means an entity  
363 created by an interlocal agreement pursuant to s. 339.175 or any  
364 other entity created pursuant to s. 339.175.

365 Section 4. Paragraph (b) of subsection (2) of section  
 366 121.051, Florida Statutes, is amended to read:

367 121.051 Participation in the system.--

368 (2) OPTIONAL PARTICIPATION.--

369 (b)1. The governing body of any municipality, metropolitan  
 370 planning organization, or special district in the state may  
 371 elect to participate in the system upon proper application to  
 372 the administrator and may cover all or any of its units as  
 373 approved by the Secretary of Health and Human Services and the  
 374 administrator. The department shall adopt rules establishing  
 375 provisions for the submission of documents necessary for such  
 376 application. Prior to being approved for participation in the  
 377 Florida Retirement System, the governing body of any such  
 378 municipality, metropolitan planning organization, or special  
 379 district that has a local retirement system shall submit to the  
 380 administrator a certified financial statement showing the  
 381 condition of the local retirement system as of a date within 3  
 382 months prior to the proposed effective date of membership in the  
 383 Florida Retirement System. The statement must be certified by a  
 384 recognized accounting firm that is independent of the local  
 385 retirement system. All required documents necessary for  
 386 extending Florida Retirement System coverage must be received by  
 387 the department for consideration at least 15 days prior to the  
 388 proposed effective date of coverage. If the municipality,   
 389 metropolitan planning organization, or special district does not  
 390 comply with this requirement, the department may require that  
 391 the effective date of coverage be changed.

392 2. Any city, metropolitan planning organization, or

393 special district that has an existing retirement system covering  
394 the employees in the units that are to be brought under the  
395 Florida Retirement System may participate only after holding a  
396 referendum in which all employees in the affected units have the  
397 right to participate. Only those employees electing coverage  
398 under the Florida Retirement System by affirmative vote in said  
399 referendum shall be eligible for coverage under this chapter,  
400 and those not participating or electing not to be covered by the  
401 Florida Retirement System shall remain in their present systems  
402 and shall not be eligible for coverage under this chapter. After  
403 the referendum is held, all future employees shall be compulsory  
404 members of the Florida Retirement System.

405 3. The governing body of any city, metropolitan planning  
406 organization, or special district complying with subparagraph 1.  
407 may elect to provide, or not provide, benefits based on past  
408 service of officers and employees as described in s. 121.081(1).  
409 However, if such employer elects to provide past service  
410 benefits, such benefits must be provided for all officers and  
411 employees of its covered group.

412 4. Once this election is made and approved it may not be  
413 revoked, except pursuant to subparagraphs 5. and 6., and all  
414 present officers and employees electing coverage under this  
415 chapter and all future officers and employees shall be  
416 compulsory members of the Florida Retirement System.

417 5. Subject to the conditions set forth in subparagraph 6.,  
418 the governing body of any hospital licensed under chapter 395  
419 which is governed by the board of a special district as defined  
420 in s. 189.403(1) or by the board of trustees of a public health

421 trust created under s. 154.07, hereinafter referred to as  
422 "hospital district," and which participates in the system, may  
423 elect to cease participation in the system with regard to future  
424 employees in accordance with the following procedure:

425 a. No more than 30 days and at least 7 days before  
426 adopting a resolution to partially withdraw from the Florida  
427 Retirement System and establish an alternative retirement plan  
428 for future employees, a public hearing must be held on the  
429 proposed withdrawal and proposed alternative plan.

430 b. From 7 to 15 days before such hearing, notice of intent  
431 to withdraw, specifying the time and place of the hearing, must  
432 be provided in writing to employees of the hospital district  
433 proposing partial withdrawal and must be published in a  
434 newspaper of general circulation in the area affected, as  
435 provided by ss. 50.011-50.031. Proof of publication of such  
436 notice shall be submitted to the Department of Management  
437 Services.

438 c. The governing body of any hospital district seeking to  
439 partially withdraw from the system must, before such hearing,  
440 have an actuarial report prepared and certified by an enrolled  
441 actuary, as defined in s. 112.625(3), illustrating the cost to  
442 the hospital district of providing, through the retirement plan  
443 that the hospital district is to adopt, benefits for new  
444 employees comparable to those provided under the Florida  
445 Retirement System.

446 d. Upon meeting all applicable requirements of this  
447 subparagraph, and subject to the conditions set forth in  
448 subparagraph 6., partial withdrawal from the system and adoption



449 of the alternative retirement plan may be accomplished by  
450 resolution duly adopted by the hospital district board. The  
451 hospital district board must provide written notice of such  
452 withdrawal to the division by mailing a copy of the resolution  
453 to the division, postmarked no later than December 15, 1995. The  
454 withdrawal shall take effect January 1, 1996.

455 6. Following the adoption of a resolution under sub-  
456 subparagraph 5.d., all employees of the withdrawing hospital  
457 district who were participants in the Florida Retirement System  
458 prior to January 1, 1996, shall remain as participants in the  
459 system for as long as they are employees of the hospital  
460 district, and all rights, duties, and obligations between the  
461 hospital district, the system, and the employees shall remain in  
462 full force and effect. Any employee who is hired or appointed on  
463 or after January 1, 1996, may not participate in the Florida  
464 Retirement System, and the withdrawing hospital district shall  
465 have no obligation to the system with respect to such employees.

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

468 121.055 Senior Management Service Class.--There is hereby  
469 established a separate class of membership within the Florida  
470 Retirement System to be known as the "Senior Management Service  
471 Class," which shall become effective February 1, 1987.

472 (1)

473 (1) For each metropolitan planning organization that has  
474 opted to become part of the Florida Retirement System,  
475 participation in the Senior Management Service Class shall be  
476 compulsory for the executive director or staff director of that

477 metropolitan planning organization.

478 Section 6. Paragraphs (a) and (c) of subsection (2) of  
479 section 121.061, Florida Statutes, are amended to read:

480 121.061 Funding.--

481 (2)(a) Should any employer other than a state employer  
482 fail to make the retirement and social security contributions,  
483 both member and employer contributions, required by this  
484 chapter, then, upon request by the administrator, the Department  
485 of Revenue or the Department of Financial Services, as the case  
486 may be, shall deduct the amount owed by the employer from any  
487 funds to be distributed by it to the county, city, metropolitan  
488 planning organization, special district, or consolidated form of  
489 government. The amounts so deducted shall be transferred to the  
490 administrator for further distribution to the trust funds in  
491 accordance with this chapter.

492 (c) The governing body of each county, city, metropolitan  
493 planning organization, special district, or consolidated form of  
494 government participating under this chapter or the  
495 administrator, acting individually or jointly, is hereby  
496 authorized to file and maintain an action in the courts of the  
497 state to require any employer to remit any retirement or social  
498 security member contributions or employer matching payments due  
499 the retirement or social security trust funds under the  
500 provisions of this chapter.

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

503 121.081 Past service; prior service;  
504 contributions.--Conditions under which past service or prior

505 service may be claimed and credited are:

506 (1) (a) Past service, as defined in s. 121.021(18), may be  
507 claimed as creditable service by officers or employees of a  
508 city, metropolitan planning organization, or special district  
509 that become a covered group under this system. The governing  
510 body of a covered group in compliance with s. 121.051(2)(b) may  
511 elect to provide benefits with respect to past service earned  
512 prior to January 1, 1975, in accordance with this chapter, and  
513 the cost for such past service shall be established by applying  
514 the following formula: The member contribution for both regular  
515 and special risk members shall be 4 percent of the gross annual  
516 salary for each year of past service claimed, plus 4-percent  
517 employer matching contribution, plus 4 percent interest thereon  
518 compounded annually, figured on each year of past service, with  
519 interest compounded from date of annual salary earned until July  
520 1, 1975, and 6.5 percent interest compounded annually thereafter  
521 until date of payment. Once the total cost for a member has been  
522 figured to date, then after July 1, 1975, 6.5 percent compounded  
523 interest shall be added each June 30 thereafter on any unpaid  
524 balance until the cost of such past service liability is paid in  
525 full. The following formula shall be used in calculating past  
526 service earned prior to January 1, 1975: (Annual gross salary  
527 multiplied by 8 percent) multiplied by the 4 percent or 6.5  
528 percent compound interest table factor, as may be applicable.  
529 The resulting product equals cost to date for each particular  
530 year of past service.

531 (b) Past service earned after January 1, 1975, may be  
532 claimed by officers or employees of a city, metropolitan

533 planning organization, or special district that becomes a  
534 covered group under this system. The governing body of a covered  
535 group may elect to provide benefits with respect to past service  
536 earned after January 1, 1975, in accordance with this chapter,  
537 and the cost for such past service shall be established by  
538 applying the following formula: The employer shall contribute an  
539 amount equal to the contribution rate in effect at the time the  
540 service was earned, multiplied by the employee's gross salary  
541 for each year of past service claimed, plus 6.5 percent interest  
542 thereon, compounded annually, figured on each year of past  
543 service, with interest compounded from date of annual salary  
544 earned until date of payment.

545 (e) Past service, as defined in s. 121.021(18), may be  
546 claimed as creditable service by a member of the Florida  
547 Retirement System who formerly was an officer or employee of a  
548 city, metropolitan planning organization, or special district,  
549 notwithstanding the status or form of the retirement system, if  
550 any, of that city, metropolitan planning organization, or  
551 special district and irrespective of whether officers or  
552 employees of that city, metropolitan planning organization, or  
553 special district now or hereafter become a covered group under  
554 the Florida Retirement System. Such member may claim creditable  
555 service and be entitled to the benefits accruing to the regular  
556 class of members as provided for the past service claimed under  
557 this paragraph by paying into the retirement trust fund an  
558 amount equal to the total actuarial cost of providing the  
559 additional benefit resulting from such past-service credit,  
560 discounted by the applicable actuarial factors to date of

561 retirement.

562 Section 8. Paragraph (e) of subsection (2) of section  
563 212.055, Florida Statutes, is amended to read:

564 212.055 Discretionary sales surtaxes; legislative intent;  
565 authorization and use of proceeds.--It is the legislative intent  
566 that any authorization for imposition of a discretionary sales  
567 surtax shall be published in the Florida Statutes as a  
568 subsection of this section, irrespective of the duration of the  
569 levy. Each enactment shall specify the types of counties  
570 authorized to levy; the rate or rates which may be imposed; the  
571 maximum length of time the surtax may be imposed, if any; the  
572 procedure which must be followed to secure voter approval, if  
573 required; the purpose for which the proceeds may be expended;  
574 and such other requirements as the Legislature may provide.  
575 Taxable transactions and administrative procedures shall be as  
576 provided in s. 212.054.

577 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

578 (e) School districts, counties, and municipalities  
579 receiving proceeds under the provisions of this subsection may  
580 pledge such proceeds for the purpose of servicing new bond  
581 indebtedness incurred pursuant to law. Local governments may use  
582 the services of the Division of Bond Finance of the State Board  
583 of Administration pursuant to the State Bond Act to issue any  
584 bonds through the provisions of this subsection. ~~In no case may~~  
585 ~~a jurisdiction issue bonds pursuant to this subsection more~~  
586 ~~frequently than once per year.~~ Counties and municipalities may  
587 join together for the issuance of bonds authorized by this  
588 subsection.

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

591 215.615 Fixed-guideway transportation systems funding.--

592 (1) The issuance of revenue bonds by the Division of Bond  
 593 Finance, on behalf of the Department of Transportation, pursuant  
 594 to s. 11, Art. VII of the State Constitution, is authorized,  
 595 pursuant to the State Bond Act, to finance or refinance fixed  
 596 capital expenditures for fixed-guideway transportation systems,  
 597 as defined in s. 341.031, including facilities appurtenant  
 598 thereto, costs of issuance, and other amounts relating to such  
 599 financing or refinancing. ~~Such revenue bonds shall be matched on~~  
 600 ~~a 50-50 basis with funds from sources other than revenues of the~~  
 601 ~~Department of Transportation, in a manner acceptable to the~~  
 602 ~~Department of Transportation.~~ The Division of Bond Finance is  
 603 authorized to consider innovative financing techniques,  
 604 ~~technologies~~ which may include, but are not limited to,  
 605 innovative bidding and structures of potential financings  
 606 ~~findings~~ that may result in negotiated transactions. The  
 607 following conditions apply to the issuance of revenue bonds for  
 608 fixed-guideway transportation systems:

609 (a) The department and any participating commuter rail  
 610 authority or regional transportation authority established under  
 611 chapter 343, local governments, or local governments  
 612 collectively by interlocal agreement having jurisdiction of a  
 613 fixed-guideway transportation system may enter into an  
 614 interlocal agreement to promote the efficient and cost-effective  
 615 financing or refinancing of fixed-guideway transportation system  
 616 projects by revenue bonds issued pursuant to this subsection.

617 The terms of such interlocal agreements shall include provisions  
618 for the Department of Transportation to request the issuance of  
619 the bonds on behalf of the parties; shall provide that after  
620 reimbursement pursuant to interlocal agreement, the department's  
621 share may be up to 50 percent of the eligible project cost,  
622 which may include a share of annual ~~each party to the agreement~~  
623 ~~is contractually liable for an equal share of funding an amount~~  
624 ~~equal to the~~ debt service requirements of such bonds; and shall  
625 include any other terms, provisions, or covenants necessary to  
626 the making of and full performance under such interlocal  
627 agreement. Repayments made to the department under any  
628 interlocal agreement are not pledged to the repayment of bonds  
629 issued hereunder, and failure of the local governmental  
630 authority to make such payment shall not affect the obligation  
631 of the department to pay debt service on the bonds.

632 (b) Revenue bonds issued pursuant to this subsection shall  
633 not constitute a general obligation of, or a pledge of the full  
634 faith and credit of, the State of Florida. Bonds issued pursuant  
635 to this section shall be payable from funds available pursuant  
636 to s. 206.46(3), or other funds available to the project,  
637 subject to annual appropriation. The amount of revenues  
638 available for debt service shall never exceed a maximum of 2  
639 percent of all state revenues deposited into the State  
640 Transportation Trust Fund.

641 (c) The projects to be financed or refinanced with the  
642 proceeds of the revenue bonds issued hereunder are designated as  
643 state fixed capital outlay projects for purposes of s. 11(d),  
644 Art. VII of the State Constitution, and the specific projects to

645 be financed or refinanced shall be determined by the Department  
646 of Transportation in accordance with state law and  
647 appropriations from the State Transportation Trust Fund. Each  
648 project to be financed with the proceeds of the bonds issued  
649 pursuant to this subsection must first be approved by the  
650 Legislature by an act of general law.

651 (d) Any complaint for validation of bonds issued pursuant  
652 to this section shall be filed in the circuit court of the  
653 county where the seat of state government is situated, the  
654 notice required to be published by s. 75.06 shall be published  
655 only in the county where the complaint is filed, and the  
656 complaint and order of the circuit court shall be served only on  
657 the state attorney of the circuit in which the action is  
658 pending.

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

665 (f) This subsection supersedes any inconsistent provisions  
666 in existing law.

667

668 Notwithstanding this subsection, the lien of revenue bonds  
669 issued pursuant to this subsection on moneys deposited into the  
670 State Transportation Trust Fund shall be subordinate to the lien  
671 on such moneys of bonds issued under ss. 215.605, 320.20, and  
672 215.616, and any pledge of such moneys to pay operating and



673 maintenance expenses under s. 206.46(5) and chapter 348, as may  
 674 be amended.

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

677 255.20 Local bids and contracts for public construction  
 678 works; specification of state-produced lumber.--

679 (1) A county, municipality, special district as defined in  
 680 chapter 189, or other political subdivision of the state seeking  
 681 to construct or improve a public building, structure, or other  
 682 public construction works must competitively award to an  
 683 appropriately licensed contractor each project that is estimated  
 684 in accordance with generally accepted cost-accounting principles  
 685 to have total construction project costs of more than \$400,000  
 686 ~~\$200,000~~. For electrical work, local government must  
 687 competitively award to an appropriately licensed contractor each  
 688 project that is estimated in accordance with generally accepted  
 689 cost-accounting principles to have a cost of more than \$100,000  
 690 ~~\$50,000~~. As used in this section, the term "competitively award"  
 691 means to award contracts based on the submission of sealed bids,  
 692 proposals submitted in response to a request for proposal,  
 693 proposals submitted in response to a request for qualifications,  
 694 or proposals submitted for competitive negotiation. This  
 695 subsection expressly allows contracts for construction  
 696 management services, design/build contracts, continuation  
 697 contracts based on unit prices, and any other contract  
 698 arrangement with a private sector contractor permitted by any  
 699 applicable municipal or county ordinance, by district  
 700 resolution, or by state law. For purposes of this section,

701 construction costs include the cost of all labor, except inmate  
702 labor, and include the cost of equipment and materials to be  
703 used in the construction of the project. Subject to the  
704 provisions of subsection (3), the county, municipality, special  
705 district, or other political subdivision may establish, by  
706 municipal or county ordinance or special district resolution,  
707 procedures for conducting the bidding process.

708 (a) Notwithstanding any other law to the contrary, a  
709 county, municipality, special district as defined in chapter  
710 189, or other political subdivision of the state seeking to  
711 construct or improve bridges, roads, streets, highways, or  
712 railroads, and services incidental thereto, at costs in excess  
713 of \$250,000 may require that persons interested in performing  
714 work under contract first be certified or qualified to perform  
715 such work. Any contractor may be considered ineligible to bid by  
716 the governmental entity if the contractor is behind on  
717 completing an approved progress schedule for the governmental  
718 entity by 10 percent or more at the time of advertisement of the  
719 work. Any contractor prequalified and considered eligible by the  
720 Department of Transportation to bid to perform the type of work  
721 described under the contract shall be presumed to be qualified  
722 to perform the work described. The governmental entity may  
723 provide an appeal process to overcome that presumption with de  
724 novo review based on the record below to the circuit court.

725 (b) With respect to contractors not prequalified with the  
726 Department of Transportation, the governmental entity shall  
727 publish prequalification criteria and procedures prior to  
728 advertisement or notice of solicitation. Such publications shall

729 include notice of a public hearing for comment on such criteria  
730 and procedures prior to adoption. The procedures shall provide  
731 for an appeal process within the authority for objections to the  
732 prequalification process with de novo review based on the record  
733 below to the circuit court within 30 days.

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

735 1. When the project is undertaken to replace, reconstruct,  
736 or repair an existing facility damaged or destroyed by a sudden  
737 unexpected turn of events, such as an act of God, riot, fire,  
738 flood, accident, or other urgent circumstances, and such damage  
739 or destruction creates:

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

741 b. Other loss to public or private property which requires  
742 emergency government action; or

743 c. An interruption of an essential governmental service.

744 2. When, after notice by publication in accordance with  
745 the applicable ordinance or resolution, the governmental entity  
746 does not receive any responsive bids or responses.

747 3. To construction, remodeling, repair, or improvement to  
748 a public electric or gas utility system when such work on the  
749 public utility system is performed by personnel of the system.

750 4. To construction, remodeling, repair, or improvement by  
751 a utility commission whose major contracts are to construct and  
752 operate a public electric utility system.

753 5. When the project is undertaken as repair or maintenance  
754 of an existing public facility.

755 6. When the project is undertaken exclusively as part of a  
756 public educational program.

757           7. When the funding source of the project will be  
758 diminished or lost because the time required to competitively  
759 award the project after the funds become available exceeds the  
760 time within which the funding source must be spent.

761           8. When the local government has competitively awarded a  
762 project to a private sector contractor and the contractor has  
763 abandoned the project before completion or the local government  
764 has terminated the contract.

765           9. When the governing board of the local government, after  
766 public notice, conducts a public meeting under s. 286.011 and  
767 finds by a majority vote of the governing board that it is in  
768 the public's best interest to perform the project using its own  
769 services, employees, and equipment. The public notice must be  
770 published at least 14 days prior to the date of the public  
771 meeting at which the governing board takes final action to apply  
772 this subparagraph. The notice must identify the project, the  
773 estimated cost of the project, and specify that the purpose for  
774 the public meeting is to consider whether it is in the public's  
775 best interest to perform the project using the local  
776 government's own services, employees, and equipment. In deciding  
777 whether it is in the public's best interest for local government  
778 to perform a project using its own services, employees, and  
779 equipment, the governing board may consider the cost of the  
780 project, whether the project requires an increase in the number  
781 of government employees, an increase in capital expenditures for  
782 public facilities, equipment or other capital assets, the impact  
783 on local economic development, the impact on small and minority  
784 business owners, the impact on state and local tax revenues,

785 whether the private sector contractors provide health insurance  
786 and other benefits equivalent to those provided by the local  
787 government, and any other factor relevant to what is in the  
788 public's best interest.

789 10. When the governing board of the local government  
790 determines upon consideration of specific substantive criteria  
791 and administrative procedures that it is in the best interest of  
792 the local government to award the project to an appropriately  
793 licensed private sector contractor according to procedures  
794 established by and expressly set forth in a charter, ordinance,  
795 or resolution of the local government adopted prior to July 1,  
796 1994. The criteria and procedures must be set out in the  
797 charter, ordinance, or resolution and must be applied uniformly  
798 by the local government to avoid award of any project in an  
799 arbitrary or capricious manner. This exception shall apply when  
800 all of the following occur:

801 a. When the governing board of the local government, after  
802 public notice, conducts a public meeting under s. 286.011 and  
803 finds by a two-thirds vote of the governing board that it is in  
804 the public's best interest to award the project according to the  
805 criteria and procedures established by charter, ordinance, or  
806 resolution. The public notice must be published at least 14 days  
807 prior to the date of the public meeting at which the governing  
808 board takes final action to apply this subparagraph. The notice  
809 must identify the project, the estimated cost of the project,  
810 and specify that the purpose for the public meeting is to  
811 consider whether it is in the public's best interest to award  
812 the project using the criteria and procedures permitted by the

813 preexisting ordinance.

814 b. In the event the project is to be awarded by any method  
815 other than a competitive selection process, the governing board  
816 must find evidence that:

817 (I) There is one appropriately licensed contractor who is  
818 uniquely qualified to undertake the project because that  
819 contractor is currently under contract to perform work that is  
820 affiliated with the project; or

821 (II) The time to competitively award the project will  
822 jeopardize the funding for the project, or will materially  
823 increase the cost of the project or will create an undue  
824 hardship on the public health, safety, or welfare.

825 c. In the event the project is to be awarded by any method  
826 other than a competitive selection process, the published notice  
827 must clearly specify the ordinance or resolution by which the  
828 private sector contractor will be selected and the criteria to  
829 be considered.

830 d. In the event the project is to be awarded by a method  
831 other than a competitive selection process, the architect or  
832 engineer of record has provided a written recommendation that  
833 the project be awarded to the private sector contractor without  
834 competitive selection; and the consideration by, and the  
835 justification of, the government body are documented, in  
836 writing, in the project file and are presented to the governing  
837 board prior to the approval required in this paragraph.

838 11. To projects subject to chapter 336.

839 (d)1. If the project is to be awarded based on price, the  
840 contract must be awarded to the lowest qualified and responsive

841 bidder in accordance with the applicable county or municipal  
842 ordinance or district resolution and in accordance with the  
843 applicable contract documents. The county, municipality, or  
844 special district may reserve the right to reject all bids and to  
845 rebid the project or elect not to proceed with the project. This  
846 subsection is not intended to restrict the rights of any local  
847 government to reject the low bid of a nonqualified or  
848 nonresponsive bidder and to award the contract to any other  
849 qualified and responsive bidder in accordance with the standards  
850 and procedures of any applicable county or municipal ordinance  
851 or any resolution of a special district.

852 2. If the project uses a request for proposal or a request  
853 for qualifications, the request must be publicly advertised and  
854 the contract must be awarded in accordance with the applicable  
855 local ordinances.

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

858 (e) If a construction project greater than \$400,000  
859 ~~\$200,000~~, or \$100,000 ~~\$50,000~~ for electrical work, is started  
860 after October 1, 1999, and is to be performed by a local  
861 government using its own employees in a county or municipality  
862 that issues registered contractor licenses and the project would  
863 require a licensed contractor under chapter 489 if performed by  
864 a private sector contractor, the local government must use a  
865 person appropriately registered or certified under chapter 489  
866 to supervise the work.

867 (f) If a construction project greater than \$400,000  
868 ~~\$200,000~~, or \$100,000 ~~\$50,000~~ for electrical work, is started

869 after October 1, 1999, and is to be performed by a local  
870 government using its own employees in a county that does not  
871 issue registered contractor licenses and the project would  
872 require a licensed contractor under chapter 489 if performed by  
873 a private sector contractor, the local government must use a  
874 person appropriately registered or certified under chapter 489  
875 or a person appropriately licensed under chapter 471 to  
876 supervise the work.

877 (g) Projects performed by a local government using its own  
878 services and employees must be inspected in the same manner as  
879 inspections required for work performed by private sector  
880 contractors.

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

884 (i) This subsection does not preempt the requirements of  
885 any small-business or disadvantaged-business enterprise program  
886 or any local-preference ordinance.

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

892 Section 11. Section 316.2123, Florida Statutes, is amended  
893 to read:

894 316.2123 Operation of an ATV on certain roadways.--

895 (1) The operation of an ATV, as defined in s. 317.0003,  
896 upon the public roads or streets of this state is prohibited,



897 | except that an ATV may be operated during the daytime on an  
 898 | unpaved roadway where the posted speed limit is less than 35  
 899 | miles per hour ~~by a licensed driver or by a minor under the~~  
 900 | ~~supervision of a licensed driver. The operator must provide~~  
 901 | ~~proof of ownership pursuant to chapter 317 upon request by a law~~  
 902 | ~~enforcement officer.~~

903 |         (2) A county is exempt from this section if the governing  
 904 | body of the county, by majority vote, following a noticed public  
 905 | hearing, votes to exempt the county from this section.  
 906 | Alternatively, a county may, by majority vote after such a  
 907 | hearing, designate certain unpaved roadways where an ATV may be  
 908 | operated during the daytime as long as each such designated  
 909 | roadway has a posted speed limit of less than 35 miles per hour  
 910 | and is appropriately marked to indicate permissible ATV use.

911 |         (3) Any ATV operation that is permitted under subsection  
 912 | (1) or subsection (2) may be undertaken only by a licensed  
 913 | driver or a minor who is under the direct supervision of a  
 914 | licensed driver. The operator must provide proof of ownership  
 915 | under chapter 317 upon the request of a law enforcement officer.

916 |         Section 12. Subsection (1) of section 316.605, Florida  
 917 | Statutes, is amended to read:

918 |         316.605 Licensing of vehicles.--

919 |         (1) Every vehicle, at all times while driven, stopped, or  
 920 | parked upon any highways, roads, or streets of this state, shall  
 921 | be licensed in the name of the owner thereof in accordance with  
 922 | the laws of this state unless such vehicle is not required by  
 923 | the laws of this state to be licensed in this state and shall,  
 924 | except as otherwise provided in s. 320.0706 for front-end

925 registration license plates on truck tractors and s. 320.086(5)  
926 which exempts display of license plates on described former  
927 military vehicles, display the license plate or both of the  
928 license plates assigned to it by the state, one on the rear and,  
929 if two, the other on the front of the vehicle, each to be  
930 securely fastened to the vehicle outside the main body of the  
931 vehicle not higher than 60 inches and not lower than 12 inches  
932 from the ground and no more than 24 inches to the left or right  
933 of the centerline of the vehicle, and in such manner as to  
934 prevent the plates from swinging, and all letters, numerals,  
935 printing, writing, and other identification marks upon the  
936 plates regarding the word "Florida," the registration decal, and  
937 the alphanumeric designation shall be clear and distinct and  
938 free from defacement, mutilation, grease, and other obscuring  
939 matter, so that they will be plainly visible and legible at all  
940 times 100 feet from the rear or front. Vehicle license plates  
941 shall be affixed and displayed in such a manner that the letters  
942 and numerals shall be read from left to right parallel to the  
943 ground. No vehicle license plate may be displayed in an inverted  
944 or reversed position or in such a manner that the letters and  
945 numbers and their proper sequence are not readily identifiable.  
946 Nothing shall be placed upon the face of a Florida plate except  
947 as permitted by law or by rule or regulation of a governmental  
948 agency. No license plates other than those furnished by the  
949 state shall be used. However, if the vehicle is not required to  
950 be licensed in this state, the license plates on such vehicle  
951 issued by another state, by a territory, possession, or district  
952 of the United States, or by a foreign country, substantially

CS/CS/HB 985

2007

953 complying with the provisions hereof, shall be considered as  
954 complying with this chapter. A violation of this subsection is a  
955 noncriminal traffic infraction, punishable as a nonmoving  
956 violation as provided in chapter 318.

957 Section 13. Paragraph (b) of subsection (3) of section  
958 316.650, Florida Statutes, is amended to read:

959 316.650 Traffic citations.--

960 (3)

961 (b) If a traffic citation is issued pursuant to s.  
962 316.1001, a traffic enforcement officer may deposit the original  
963 and one copy of such traffic citation or, in the case of a  
964 traffic enforcement agency that has an automated citation  
965 system, may provide an electronic facsimile with a court having  
966 jurisdiction over the alleged offense or with its traffic  
967 violations bureau within 45 days after the date of issuance of  
968 the citation to the violator. If the person cited for the  
969 violation of s. 316.1001 makes the election provided by s.  
970 318.14(12) and pays the \$25 fine, or such other amount as  
971 imposed by the governmental entity owning the applicable toll  
972 facility, plus the amount of the unpaid toll that is shown on  
973 the traffic citation directly to the governmental entity that  
974 issued the citation, or on whose behalf the citation was issued,  
975 in accordance with s. 318.14(12), the traffic citation will not  
976 be submitted to the court, the disposition will be reported to  
977 the department by the governmental entity that issued the  
978 citation, or on whose behalf the citation was issued, and no  
979 points will be assessed against the person's driver's license.

980 Section 14. Subsection (12) of section 318.14, Florida

981 Statutes, is amended to read:

982 318.14 Noncriminal traffic infractions; exception;  
 983 procedures.--

984 (12) Any person cited for a violation of s. 316.1001 may,  
 985 in lieu of making an election as set forth in subsection (4) or  
 986 s. 318.18(7), elect to pay a his or her fine of \$25, or such  
 987 other amount as imposed by the governmental entity owning the  
 988 applicable toll facility, plus the amount of the unpaid toll  
 989 that is shown on the traffic citation directly to the  
 990 governmental entity that issued the citation, or on whose behalf  
 991 the citation was issued, within 30 days after the date of  
 992 issuance of the citation. Any person cited for a violation of s.  
 993 316.1001 who does not elect to pay the fine imposed by the  
 994 governmental entity owning the applicable toll facility plus the  
 995 amount of the unpaid toll that is shown on the traffic citation  
 996 directly to the governmental entity that issued the citation, or  
 997 on whose behalf the citation was issued, as described in this  
 998 subsection ~~section~~ shall have an additional 45 days after the  
 999 date of the issuance of the citation in which to request a court  
 1000 hearing or to pay the civil penalty and delinquent fee, if  
 1001 applicable, as provided in s. 318.18(7), either by mail or in  
 1002 person, in accordance with subsection (4).

1003 Section 15. Section 318.18, Florida Statutes, is amended  
 1004 to read:

1005 318.18 Amount of ~~civil~~ penalties.--The penalties required  
 1006 for a noncriminal disposition pursuant to s. 318.14 or a  
 1007 criminal offense listed in s. 318.17 are as follows:

1008 (1) Fifteen dollars for:

1009 (a) All infractions of pedestrian regulations.  
 1010 (b) All infractions of s. 316.2065, unless otherwise  
 1011 specified.  
 1012 (c) Other violations of chapter 316 by persons 14 years of  
 1013 age or under who are operating bicycles, regardless of the  
 1014 noncriminal traffic infraction's classification.  
 1015 (2) Thirty dollars for all nonmoving traffic violations  
 1016 and:  
 1017 (a) For all violations of s. 322.19.  
 1018 (b) For all violations of ss. 320.0605, 320.07(1),  
 1019 322.065, and 322.15(1). Any person who is cited for a violation  
 1020 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
 1021 320.07(4).  
 1022 1. If a person who is cited for a violation of s. 320.0605  
 1023 or s. 320.07 can show proof of having a valid registration at  
 1024 the time of arrest, the clerk of the court may dismiss the case  
 1025 and may assess a dismissal fee of up to \$7.50. A person who  
 1026 finds it impossible or impractical to obtain a valid  
 1027 registration certificate must submit an affidavit detailing the  
 1028 reasons for the impossibility or impracticality. The reasons may  
 1029 include, but are not limited to, the fact that the vehicle was  
 1030 sold, stolen, or destroyed; that the state in which the vehicle  
 1031 is registered does not issue a certificate of registration; or  
 1032 that the vehicle is owned by another person.  
 1033 2. If a person who is cited for a violation of s. 322.03,  
 1034 s. 322.065, or s. 322.15 can show a driver's license issued to  
 1035 him or her and valid at the time of arrest, the clerk of the  
 1036 court may dismiss the case and may assess a dismissal fee of up

1037 to \$7.50.

1038       3. If a person who is cited for a violation of s. 316.646  
1039 can show proof of security as required by s. 627.733, issued to  
1040 the person and valid at the time of arrest, the clerk of the  
1041 court may dismiss the case and may assess a dismissal fee of up  
1042 to \$7.50. A person who finds it impossible or impractical to  
1043 obtain proof of security must submit an affidavit detailing the  
1044 reasons for the impracticality. The reasons may include, but are  
1045 not limited to, the fact that the vehicle has since been sold,  
1046 stolen, or destroyed; that the owner or registrant of the  
1047 vehicle is not required by s. 627.733 to maintain personal  
1048 injury protection insurance; or that the vehicle is owned by  
1049 another person.

1050       (c) For all violations of ss. 316.2935 and 316.610.  
1051 However, for a violation of s. 316.2935 or s. 316.610, if the  
1052 person committing the violation corrects the defect and obtains  
1053 proof of such timely repair by an affidavit of compliance  
1054 executed by the law enforcement agency within 30 days from the  
1055 date upon which the traffic citation was issued, and pays \$4 to  
1056 the law enforcement agency, thereby completing the affidavit of  
1057 compliance, then upon presentation of said affidavit by the  
1058 defendant to the clerk within the 30-day time period set forth  
1059 under s. 318.14(4), the fine must be reduced to \$7.50, which the  
1060 clerk of the court shall retain.

1061       (d) For all violations of s. 316.126(1)(b), unless  
1062 otherwise specified.

1063       (3)(a) Except as otherwise provided in this section, \$60  
1064 for all moving violations not requiring a mandatory appearance.

1065 (b) For moving violations involving unlawful speed, the  
 1066 fines are as follows:

1067

1068	For speed exceeding the limit by:.....	Fine:
1069	1-5 m.p.h.....	Warning
1070	6-9 m.p.h.....	\$ 25
1071	10-14 m.p.h.....	\$100
1072	15-19 m.p.h.....	\$125
1073	20-29 m.p.h.....	\$150
1074	30 m.p.h. and above.....	\$250

1075 (c) Notwithstanding paragraph (b), a person cited for  
 1076 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
 1077 school zone will be fined \$50. A person exceeding the speed  
 1078 limit in a school zone shall pay a fine double the amount listed  
 1079 in paragraph (b).

1080 (d) A person cited for exceeding the speed limit in a  
 1081 posted construction zone, which posting must include  
 1082 notification of the speed limit and the doubling of fines, shall  
 1083 pay a fine double the amount listed in paragraph (b). The fine  
 1084 shall be doubled for construction zone violations only if  
 1085 construction personnel are present or operating equipment on the  
 1086 road or immediately adjacent to the road under construction.

1087 (e) A person cited for exceeding the speed limit in an  
 1088 enhanced penalty zone shall pay a fine amount of \$50 plus the  
 1089 amount listed in paragraph (b). Notwithstanding paragraph (b), a  
 1090 person cited for exceeding the speed limit by up to 5 m.p.h. in  
 1091 a legally posted enhanced penalty zone shall pay a fine amount  
 1092 of \$50.

CS/CS/HB 985

2007

1093 (f) If a violation of s. 316.1301 or s. 316.1303 results  
1094 in an injury to the pedestrian or damage to the property of the  
1095 pedestrian, an additional fine of up to \$250 shall be paid. This  
1096 amount must be distributed pursuant to s. 318.21.

1097 (g) A person cited for exceeding the speed limit within a  
1098 zone posted for any electronic or manual toll collection  
1099 facility shall pay a fine double the amount listed in paragraph  
1100 (b). However, no person cited for exceeding the speed limit in  
1101 any toll collection zone shall be subject to a doubled fine  
1102 unless the governmental entity or authority controlling the toll  
1103 collection zone first installs a traffic control device  
1104 providing warning that speeding fines are doubled. Any such  
1105 traffic control device must meet the requirements of the uniform  
1106 system of traffic control devices.

1107 (h) A person cited for a second or subsequent conviction  
1108 of speed exceeding the limit by 30 miles per hour and above  
1109 within a 12-month period shall pay a fine that is double the  
1110 amount listed in paragraph (b). For purposes of this paragraph,  
1111 the term "conviction" means a finding of guilt as a result of a  
1112 jury verdict, nonjury trial, or entry of a plea of guilty.  
1113 Moneys received from the increased fine imposed by this  
1114 paragraph shall be remitted to the Department of Revenue and  
1115 deposited into the Department of Health Administrative Trust  
1116 Fund to provide financial support to certified trauma centers to  
1117 assure the availability and accessibility of trauma services  
1118 throughout the state. Funds deposited into the Administrative  
1119 Trust Fund under this section shall be allocated as follows:  
1120 1. Fifty percent shall be allocated equally among all



1121 Level I, Level II, and pediatric trauma centers in recognition  
 1122 of readiness costs for maintaining trauma services.

1123 2. Fifty percent shall be allocated among Level I, Level  
 1124 II, and pediatric trauma centers based on each center's relative  
 1125 volume of trauma cases as reported in the Department of Health  
 1126 Trauma Registry.

1127 (4) The penalty imposed under s. 316.545 shall be  
 1128 determined by the officer in accordance with the provisions of  
 1129 ss. 316.535 and 316.545.

1130 (5) (a) One hundred dollars for a violation of s.  
 1131 316.172(1)(a), failure to stop for a school bus. If, at a  
 1132 hearing, the alleged offender is found to have committed this  
 1133 offense, the court shall impose a minimum civil penalty of \$100.  
 1134 In addition to this penalty, for a second or subsequent offense  
 1135 within a period of 5 years, the department shall suspend the  
 1136 driver's license of the person for not less than 90 days and not  
 1137 more than 6 months.

1138 (b) Two hundred dollars for a violation of s.  
 1139 316.172(1)(b), passing a school bus on the side that children  
 1140 enter and exit when the school bus displays a stop signal. If,  
 1141 at a hearing, the alleged offender is found to have committed  
 1142 this offense, the court shall impose a minimum civil penalty of  
 1143 \$200. In addition to this penalty, for a second or subsequent  
 1144 offense within a period of 5 years, the department shall suspend  
 1145 the driver's license of the person for not less than 180 days  
 1146 and not more than 1 year.

1147 (6) One hundred dollars or the fine amount designated by  
 1148 county ordinance, plus court costs for illegally parking, under

CS/CS/HB 985

2007

1149 s. 316.1955, in a parking space provided for people who have  
1150 disabilities. However, this fine will be waived if a person  
1151 provides to the law enforcement agency that issued the citation  
1152 for such a violation proof that the person committing the  
1153 violation has a valid parking permit or license plate issued  
1154 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
1155 or s. 320.0848 or a signed affidavit that the owner of the  
1156 disabled parking permit or license plate was present at the time  
1157 the violation occurred, and that such a parking permit or  
1158 license plate was valid at the time the violation occurred. The  
1159 law enforcement officer, upon determining that all required  
1160 documentation has been submitted verifying that the required  
1161 parking permit or license plate was valid at the time of the  
1162 violation, must sign an affidavit of compliance. Upon provision  
1163 of the affidavit of compliance and payment of a dismissal fee of  
1164 up to \$7.50 to the clerk of the circuit court, the clerk shall  
1165 dismiss the citation.

1166 (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a  
1167 violation of s. 316.1001 plus the amount of the unpaid toll  
1168 shown on the traffic citation for each citation issued. The  
1169 clerk of the court shall forward \$25 of the \$100 fine received,  
1170 plus the amount of the unpaid toll that is shown on the  
1171 citation, to the governmental entity that issued the citation,  
1172 or on whose behalf the citation was issued. If a plea  
1173 arrangement is reached prior to the date set for a scheduled  
1174 evidentiary hearing and adjudication is withheld, there shall be  
1175 a mandatory fine assessed per citation of not less than \$50 and  
1176 not more than \$100, plus the amount of the unpaid toll for each

1177 citation issued. The clerk of the court shall forward \$25 of the  
 1178 fine imposed plus the amount of the unpaid toll that is shown on  
 1179 the citation to the governmental entity that issued the citation  
 1180 or on whose behalf the citation was issued. The court shall have  
 1181 specific authority to consolidate issued citations for the same  
 1182 defendant for the purpose of sentencing and aggregate  
 1183 jurisdiction. In addition, the department shall suspend for 60  
 1184 days the driver's license of a person who is convicted of 10  
 1185 violations of s. 316.1001 within a 36-month period. However, a  
 1186 ~~person may elect to pay \$30 to the clerk of the court, in which~~  
 1187 ~~ease adjudication is withheld, and no points are assessed under~~  
 1188 ~~s. 322.27. Upon receipt of the fine, the clerk of the court must~~  
 1189 ~~retain \$5 for administrative purposes and must forward the \$25~~  
 1190 ~~to the governmental entity that issued the citation. Any funds~~  
 1191 received by a governmental entity for this violation may be used  
 1192 for any lawful purpose related to the operation or maintenance  
 1193 of a toll facility.

1194 (8)(a) Any person who fails to comply with the court's  
 1195 requirements or who fails to pay the civil penalties specified  
 1196 in this section within the 30-day period provided for in s.  
 1197 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
 1198 which must be remitted to the Department of Revenue for deposit  
 1199 in the General Revenue Fund, and \$9.50 of which must be remitted  
 1200 to the Department of Revenue for deposit in the Highway Safety  
 1201 Operating Trust Fund. The department shall contract with the  
 1202 Florida Association of Court Clerks, Inc., to design, establish,  
 1203 operate, upgrade, and maintain an automated statewide Uniform  
 1204 Traffic Citation Accounting System to be operated by the clerks

CS/CS/HB 985

2007

1205 of the court which shall include, but not be limited to, the  
1206 accounting for traffic infractions by type, a record of the  
1207 disposition of the citations, and an accounting system for the  
1208 fines assessed and the subsequent fine amounts paid to the  
1209 clerks of the court. On or before December 1, 2001, the clerks  
1210 of the court must provide the information required by this  
1211 chapter to be transmitted to the department by electronic  
1212 transmission pursuant to the contract.

1213 (b) Any person who fails to comply with the court's  
1214 requirements as to civil penalties specified in this section due  
1215 to demonstrable financial hardship shall be authorized to  
1216 satisfy such civil penalties by public works or community  
1217 service. Each hour of such service shall be applied, at the rate  
1218 of the minimum wage, toward payment of the person's civil  
1219 penalties; provided, however, that if the person has a trade or  
1220 profession for which there is a community service need and  
1221 application, the rate for each hour of such service shall be the  
1222 average standard wage for such trade or profession. Any person  
1223 who fails to comply with the court's requirements as to such  
1224 civil penalties who does not demonstrate financial hardship may  
1225 also, at the discretion of the court, be authorized to satisfy  
1226 such civil penalties by public works or community service in the  
1227 same manner.

1228 (c) If the noncriminal infraction has caused or resulted  
1229 in the death of another, the person who committed the infraction  
1230 may perform 120 community service hours under s. 316.027(4), in  
1231 addition to any other penalties.

1232 (9) One hundred dollars for a violation of s. 316.1575.

1233 (10) Twenty-five dollars for a violation of s. 316.2074.

1234 (11) (a) In addition to the stated fine, court costs must  
 1235 be paid in the following amounts and shall be deposited by the  
 1236 clerk into the fine and forfeiture fund established pursuant to  
 1237 s. 142.01:

- 1238
- 1239 For pedestrian infractions.....\$ 3.
  - 1240 For nonmoving traffic infractions.....\$ 16.
  - 1241 For moving traffic infractions.....\$ 30.

1242 (b) In addition to the court cost required under paragraph  
 1243 (a), up to \$3 for each infraction shall be collected and  
 1244 distributed by the clerk in those counties that have been  
 1245 authorized to establish a criminal justice selection center or a  
 1246 criminal justice access and assessment center pursuant to the  
 1247 following special acts of the Legislature:

- 1248 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1249 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1250 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1251 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1252

1253 Funds collected by the clerk pursuant to this paragraph shall be  
 1254 distributed to the centers authorized by those special acts.

1255 (c) In addition to the court cost required under paragraph  
 1256 (a), a \$2.50 court cost must be paid for each infraction to be  
 1257 distributed by the clerk to the county to help pay for criminal  
 1258 justice education and training programs pursuant to s. 938.15.  
 1259 Funds from the distribution to the county not directed by the  
 1260 county to fund these centers or programs shall be retained by

1261 the clerk and used for funding the court-related services of the  
 1262 clerk.

1263 (d) In addition to the court cost required under paragraph  
 1264 (a), a \$3 court cost must be paid for each infraction to be  
 1265 distributed as provided in s. 938.01 and a \$2 court cost as  
 1266 provided in s. 938.15 when assessed by a municipality or county.

1267 (12) Two hundred dollars for a violation of s. 316.520(1)  
 1268 or (2). If, at a hearing, the alleged offender is found to have  
 1269 committed this offense, the court shall impose a minimum civil  
 1270 penalty of \$200. For a second or subsequent adjudication within  
 1271 a period of 5 years, the department shall suspend the driver's  
 1272 license of the person for not less than 1 year and not more than  
 1273 2 years.

1274 (13) In addition to any penalties imposed for noncriminal  
 1275 traffic infractions pursuant to this chapter or imposed for  
 1276 criminal violations listed in s. 318.17, a board of county  
 1277 commissioners or any unit of local government which is  
 1278 consolidated as provided by s. 9, Art. VIII of the State  
 1279 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 1280 Constitution of 1968:

1281 (a) May impose by ordinance a surcharge of up to \$15 for  
 1282 any infraction or violation to fund state court facilities. The  
 1283 court shall not waive this surcharge. Up to 25 percent of the  
 1284 revenue from such surcharge may be used to support local law  
 1285 libraries provided that the county or unit of local government  
 1286 provides a level of service equal to that provided prior to July  
 1287 1, 2004, which shall include the continuation of library  
 1288 facilities located in or near the county courthouse or annexes.

1289 (b) That imposed increased fees or service charges by  
1290 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
1291 purpose of securing payment of the principal and interest on  
1292 bonds issued by the county before July 1, 2003, to finance state  
1293 court facilities, may impose by ordinance a surcharge for any  
1294 infraction or violation for the exclusive purpose of securing  
1295 payment of the principal and interest on bonds issued by the  
1296 county before July 1, 2003, to fund state court facilities until  
1297 the date of stated maturity. The court shall not waive this  
1298 surcharge. Such surcharge may not exceed an amount per violation  
1299 calculated as the quotient of the maximum annual payment of the  
1300 principal and interest on the bonds as of July 1, 2003, divided  
1301 by the number of traffic citations for county fiscal year 2002-  
1302 2003 certified as paid by the clerk of the court of the county.  
1303 Such quotient shall be rounded up to the next highest dollar  
1304 amount. The bonds may be refunded only if savings will be  
1305 realized on payments of debt service and the refunding bonds are  
1306 scheduled to mature on the same date or before the bonds being  
1307 refunded.

1308  
1309 A county may not impose both of the surcharges authorized under  
1310 paragraphs (a) and (b) concurrently. The clerk of court shall  
1311 report, no later than 30 days after the end of the quarter, the  
1312 amount of funds collected under this subsection during each  
1313 quarter of the fiscal year. The clerk shall submit the report,  
1314 in a format developed by the Office of State Courts  
1315 Administrator, to the chief judge of the circuit, the Governor,  
1316 the President of the Senate, and the Speaker of the House of

CS/CS/HB 985

2007

1317 Representatives.

1318       (14) In addition to any penalties imposed for noncriminal  
1319 traffic infractions under this chapter or imposed for criminal  
1320 violations listed in s. 318.17, any unit of local government  
1321 that is consolidated as provided by s. 9, Art. VIII of the State  
1322 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
1323 State Constitution of 1968, and that is granted the authority in  
1324 the State Constitution to exercise all the powers of a municipal  
1325 corporation, and any unit of local government operating under a  
1326 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
1327 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
1328 Art. VIII of the State Constitution of 1968, that is granted the  
1329 authority in the State Constitution to exercise all the powers  
1330 conferred now or hereafter by general law upon municipalities,  
1331 may impose by ordinance a surcharge of up to \$15 for any  
1332 infraction or violation. Revenue from the surcharge shall be  
1333 transferred to such unit of local government for the purpose of  
1334 replacing fine revenue deposited into the clerk's fine and  
1335 forfeiture fund under s. 142.01. The court may not waive this  
1336 surcharge. Proceeds from the imposition of the surcharge  
1337 authorized in this subsection shall not be used for the purpose  
1338 of securing payment of the principal and interest on bonds. This  
1339 subsection, and any surcharge imposed pursuant to this  
1340 subsection, shall stand repealed September 30, 2007.

1341       (15) One hundred twenty-five dollars for a violation of s.  
1342 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
1343 stop at a traffic signal. Sixty dollars shall be distributed as  
1344 provided in s. 318.21, and the remaining \$65 shall be remitted



1345 to the Department of Revenue for deposit into the Administrative  
 1346 Trust Fund of the Department of Health.

1347 (16) One hundred dollars for a violation of s. 316.622(3)  
 1348 or (4), for a vehicle that fails to display a sticker  
 1349 authorizing it to transport migrant or seasonal farm workers or  
 1350 fails to display standardized notification instructions  
 1351 requiring passengers to fasten their seat belts. Two hundred  
 1352 dollars for a violation of s. 316.622(1) or (2), for operating a  
 1353 farm labor vehicle that fails to conform to vehicle safety  
 1354 standards or lacks seat belt assemblies at each passenger  
 1355 position.

1356 (17) In addition to any penalties imposed, a surcharge of  
 1357 \$3 must be paid for all criminal offenses listed in s. 318.17  
 1358 and for all noncriminal moving traffic violations under chapter  
 1359 316. Revenue from the surcharge shall be remitted to the  
 1360 Department of Revenue and deposited quarterly into the State  
 1361 Agency Law Enforcement Radio System Trust Fund of the Department  
 1362 of Management Services for the state agency law enforcement  
 1363 radio system, as described in s. 282.1095. This subsection  
 1364 expires July 1, 2012.

1365 Section 16. Subsection (17) is added to section 318.21,  
 1366 Florida Statutes, to read:

1367 318.21 Disposition of civil penalties by county  
 1368 courts.--All civil penalties received by a county court pursuant  
 1369 to the provisions of this chapter shall be distributed and paid  
 1370 monthly as follows:

1371 (17) Notwithstanding subsections (1) and (2), the proceeds  
 1372 from the surcharge imposed under s. 318.18(17) shall be

1373 distributed as provided in that subsection. This subsection  
 1374 expires July 1, 2012.

1375 Section 17. Section 320.061, Florida Statutes, is amended  
 1376 to read:

1377 320.061 Unlawful to alter motor vehicle registration  
 1378 certificates, license plates, mobile home stickers, or  
 1379 validation stickers or to obscure license plates; penalty.--No  
 1380 person shall alter the original appearance of any registration  
 1381 license plate, mobile home sticker, validation sticker, or  
 1382 vehicle registration certificate issued for and assigned to any  
 1383 motor vehicle or mobile home, whether by mutilation, alteration,  
 1384 defacement, or change of color or in any other manner. No person  
 1385 shall apply or attach any substance, reflective matter,  
 1386 illuminated device, spray, coating, covering, or other material  
 1387 onto or around any license plate that interferes with the  
 1388 legibility, angular visibility, or detectability of any feature  
 1389 or detail on the license plate or interferes with the ability to  
 1390 photograph or otherwise record any feature or detail on the  
 1391 license plate. Any person who violates ~~the provisions of this~~  
 1392 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
 1393 punishable as provided in s. 775.082 or s. 775.083.

1394 Section 18. Paragraph (c) of subsection (6) and subsection  
 1395 (8) of section 332.007, Florida Statutes, are amended to read:

1396 332.007 Administration and financing of aviation and  
 1397 airport programs and projects; state plan.--

1398 (6) Subject to the availability of appropriated funds, the  
 1399 department may participate in the capital cost of eligible  
 1400 public airport and aviation development projects in accordance

1401 with the following rates, unless otherwise provided in the  
 1402 General Appropriations Act or the substantive bill implementing  
 1403 the General Appropriations Act:

1404 (c) When federal funds are not available, the department  
 1405 may fund up to 80 percent of master planning and eligible  
 1406 aviation development projects at publicly owned, publicly  
 1407 operated airports. If federal funds are available, the  
 1408 department may fund up to 80 percent of the nonfederal share of  
 1409 such projects. Such funding is limited to airports that have no  
 1410 scheduled commercial service.

1411 (8) Notwithstanding any other provision of law to the  
 1412 contrary, the department is authorized to fund security projects  
 1413 at ~~provide operational and maintenance assistance to~~ publicly  
 1414 owned public-use airports. ~~Such assistance shall be to comply~~  
 1415 ~~with enhanced federal security requirements or to address~~  
 1416 ~~related economic impacts from the events of September 11, 2001.~~  
 1417 For projects in the current adopted work program, or projects  
 1418 added using the available budget of the department, airports may  
 1419 request the department change the project purpose in accordance  
 1420 with this provision notwithstanding the provisions of s.  
 1421 339.135(7). For purposes of this subsection, the department may  
 1422 fund up to 100 percent of eligible project costs that are not  
 1423 funded by the Federal Government. ~~Prior to releasing any funds~~  
 1424 ~~under this section, the department shall review and approve the~~  
 1425 ~~expenditure plans submitted by the airport. The department shall~~  
 1426 ~~inform the Legislature of any change that it approves under this~~  
 1427 ~~subsection.~~ This subsection shall expire on June 30, 2012 ~~2007~~.

1428 Section 19. Subsection (4) of section 332.14, Florida

1429 Statutes, is amended to read:

1430 332.14 Secure Airports for Florida's Economy Council.--

1431 (4) The council shall adopt bylaws governing the manner in  
 1432 which the business of the council will be conducted. The bylaws  
 1433 shall specify the procedure by which the chair of the council is  
 1434 elected. The council shall meet at the call of its chair, at the  
 1435 request of a majority of its membership, or at such times as may  
 1436 be prescribed in its bylaws. However, the council must meet at  
 1437 least twice a year. Except for the members under paragraphs  
 1438 (2) (d), (e), and (f), all members of the council are voting  
 1439 members. A majority of voting members of the council constitutes  
 1440 a quorum for the purpose of transacting the business of the  
 1441 council. A vote of the majority of the members present is  
 1442 sufficient for any action of the council, except that a member  
 1443 representing the Department of Transportation, the Department of  
 1444 Community Affairs, the Department of Law Enforcement, or the  
 1445 Office of Tourism, Trade, and Economic Development may vote to  
 1446 overrule any action of the council approving a project pursuant  
 1447 to paragraph (7) (a). The bylaws of the council may require a  
 1448 greater vote for a particular action.

1449 Section 20. Paragraph (c) of subsection (1) of section  
 1450 336.025, Florida Statutes, is amended to read:

1451 336.025 County transportation system; levy of local option  
 1452 fuel tax on motor fuel and diesel fuel.--

1453 (1)

1454 (c) Local governments may use the services of the Division  
 1455 of Bond Finance of the State Board of Administration pursuant to  
 1456 the State Bond Act to issue any bonds through the provisions of

1457 | this section and may pledge the revenues from local option fuel  
 1458 | taxes to secure the payment of the bonds. ~~In no case may a~~  
 1459 | ~~jurisdiction issue bonds pursuant to this section more~~  
 1460 | ~~frequently than once per year.~~ Counties and municipalities may  
 1461 | join together for the issuance of bonds issued pursuant to this  
 1462 | section.

1463 | Section 21. Subsection (3) of section 336.41, Florida  
 1464 | Statutes, is amended to read:

1465 | 336.41 Counties; employing labor and providing road  
 1466 | equipment; accounting; when competitive bidding required.--

1467 | (3) All construction and reconstruction of roads and  
 1468 | bridges, including resurfacing, full scale mineral seal coating,  
 1469 | and major bridge and bridge system repairs, to be performed  
 1470 | utilizing the proceeds of the 80-percent portion of the surplus  
 1471 | of the constitutional gas tax shall be let to contract to the  
 1472 | lowest responsible bidder by competitive bid, except for:

1473 | (a) Construction and maintenance in emergency situations,  
 1474 | and

1475 | (b) In addition to emergency work, construction and  
 1476 | reconstruction, including resurfacing, mineral seal coating, and  
 1477 | bridge repairs, having a total cumulative annual value not to  
 1478 | exceed 5 percent of its 80-percent portion of the constitutional  
 1479 | gas tax or \$400,000 ~~\$250,000~~, whichever is greater,

1480 |  
 1481 | for which the county may utilize its own forces. However, if,  
 1482 | after proper advertising, no bids are received by a county for a  
 1483 | specific project, the county may use its own forces to construct  
 1484 | the project, notwithstanding the limitation of this subsection.

1485 Nothing in this section shall prevent the county from performing  
1486 routine maintenance as authorized by law.

1487 Section 22. Construction aggregate materials.--

1488 (1) DEFINITIONS.--"Construction aggregate materials" means  
1489 crushed stone, limestone, dolomite, limerock, shell rock,  
1490 cemented coquina, sand for use as a component of mortars,  
1491 concrete, bituminous mixtures, or underdrain filters, and other  
1492 mined resources providing the basic material for concrete,  
1493 asphalt, and road base.

1494 (2) LEGISLATIVE INTENT.--The Legislature finds that there  
1495 is a strategic and critical need for an available supply of  
1496 construction aggregate materials within the state and that a  
1497 disruption of the supply would cause a significant detriment to  
1498 the state's construction industry, transportation system, and  
1499 overall health, safety, and welfare.

1500 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government  
1501 shall approve or deny a proposed land use zoning change,  
1502 comprehensive plan amendment, land use permit, ordinance, or  
1503 order regarding construction aggregate materials without  
1504 considering any information provided by the Department of  
1505 Transportation regarding the effect such change, amendment,  
1506 permit decision, ordinance, or order would have on the  
1507 availability, transportation, and potential extraction of  
1508 construction aggregate materials on the local area, the region,  
1509 and the state. The failure of the Department of Transportation  
1510 to provide this information shall not be a basis for delay or  
1511 invalidation of the local government action. No local government  
1512 may impose a moratorium, or combination of moratoria, of more

CS/CS/HB 985

2007

1513 than 12 months' duration on the mining or extraction of  
1514 construction aggregate materials, commencing on the date the  
1515 vote was taken to impose the moratorium. January 1, 2007, shall  
1516 serve as the commencement of the 12-month period for moratoria  
1517 already in place as of July 1, 2007.

1518 (4) EXPEDITED PERMITTING.--Due to the state's critical  
1519 infrastructure needs and the potential shortfall in available  
1520 construction aggregate materials, limerock environmental  
1521 resource permitting and reclamation applications filed after  
1522 March 1, 2007, are eligible for the expedited permitting  
1523 processes contained in s. 403.973, Florida Statutes. Challenges  
1524 to state agency action in the expedited permitting process for  
1525 establishment of a limerock mine in this state under s. 403.973,  
1526 Florida Statutes, are subject to the same requirements as  
1527 challenges brought under s. 403.973(15)(a), Florida Statutes,  
1528 except that, notwithstanding s. 120.574, Florida Statutes,  
1529 summary proceedings must be conducted within 30 days after a  
1530 party files the motion for summary hearing, regardless of  
1531 whether the parties agree to the summary proceeding.

1532 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1533 (a) The Strategic Aggregates Review Task Force is created  
1534 to evaluate the availability and disposition of construction  
1535 aggregate materials and related mining and land use practices in  
1536 this state.

1537 (b) The task force shall be appointed by August 1, 2007,  
1538 and shall be composed of the following 19 members:

1539 1. The President of the Senate, the Speaker of the House  
1540 of Representatives, and the Governor shall each appoint one

1541 member from each of the following groups:  
 1542 a. The mining industry.  
 1543 b. The construction industry.  
 1544 c. The transportation industries, including seaports,  
 1545 trucking, railroads, or roadbuilders.  
 1546 d. Elected officials representing counties identified by  
 1547 the Department of Transportation as limestone or sand resource  
 1548 areas. Rural, midsize, and urban counties shall each have one  
 1549 elected official on the task force.  
 1550 e. Environmental advocacy groups.  
 1551 2. The Secretary of Environmental Protection or designee.  
 1552 3. The Secretary of Community Affairs or designee.  
 1553 4. The Secretary of Transportation or designee.  
 1554 5. One member appointed by the Florida League of Cities,  
 1555 Inc.  
 1556 (c) Members of the commission shall serve without  
 1557 compensation. Travel and per diem expenses for members who are  
 1558 not state employees shall be paid by the Department of  
 1559 Transportation in accordance with s. 112.061, Florida Statutes.  
 1560 (d) The Department of Transportation shall organize and  
 1561 provide administrative support for the task force and coordinate  
 1562 with other state agencies and local governments in obtaining and  
 1563 providing such data and information as may be needed by the task  
 1564 force to complete its evaluation. The department may conduct any  
 1565 supporting studies as are required to obtain needed information  
 1566 or otherwise assist the task force in its review and  
 1567 deliberations.  
 1568 (e) The Department of Transportation shall collect and



1569 provide information to the task force relating to construction  
 1570 aggregate materials and the amount of such materials used by the  
 1571 department on state road infrastructure projects and shall  
 1572 provide any technical and supporting information relating to the  
 1573 use of such materials as is available to the department.

1574 (f) The task force shall report its findings to the  
 1575 Governor, the President of the Senate, and the Speaker of the  
 1576 House of Representatives by February 1, 2008. The report must  
 1577 identify locations with significant concentrations of  
 1578 construction aggregate materials and recommend actions intended  
 1579 to ensure the continued extraction and availability of  
 1580 construction aggregate materials.

1581 (g) The task force shall be dissolved on July 1, 2008.

1582 Section 23. Section 337.026, Florida Statutes, is created  
 1583 to read:

1584 337.026 Authority of department to enter into agreements  
 1585 for construction aggregate materials.--

1586 (1) The department may pursue innovative contractual or  
 1587 engineering techniques that will provide the department with  
 1588 reliable and economic supplies of construction aggregate  
 1589 materials and control time and cost increases on construction  
 1590 projects.

1591 (2) The department may enter into agreements with private  
 1592 or public entities. Such agreements may include, but are not  
 1593 limited to, department acquisition of materials or resources or  
 1594 long-term leases for a term not to exceed 99 years that will  
 1595 advance the state's transportation needs.

1596 (3) To the maximum extent practical, the department must

1597 use the existing process to award and administer such innovative  
 1598 contractual or engineering techniques. When specific contractual  
 1599 or engineering techniques are to be used, the department is not  
 1600 required to adhere to provisions of law that would prevent,  
 1601 preclude, or prohibit it from using the contractual or  
 1602 engineering technique. However, prior to using an innovative  
 1603 contractual or engineering technique that is inconsistent with  
 1604 another provision of law, the department must document in  
 1605 writing the need for the exception and identify the benefits the  
 1606 traveling public and the affected community are anticipated to  
 1607 receive.

1608 Section 24. Paragraph (a) of subsection (3) of section  
 1609 337.11, Florida Statutes, is amended to read:

1610 337.11 Contracting authority of department; bids;  
 1611 emergency repairs, supplemental agreements, and change orders;  
 1612 combined design and construction contracts; progress payments;  
 1613 records; requirements of vehicle registration.--

1614 (3)(a) On all construction contracts of \$250,000 or less,  
 1615 and any construction contract of less than \$500,000 for which  
 1616 the department has waived prequalification under s. 337.14, the  
 1617 department shall advertise for bids in a newspaper having  
 1618 general circulation in the county where the proposed work is  
 1619 located. Publication shall be at least once a week for no less  
 1620 than 2 consecutive weeks, and the first publication shall be no  
 1621 less than 14 days prior to the date on which bids are to be  
 1622 received.

1623 Section 25. Subsection (1) of section 337.14, Florida  
 1624 Statutes, is amended to read:

1625           337.14 Application for qualification; certificate of  
 1626 qualification; restrictions; request for hearing.--  
 1627           (1) Any person desiring to bid for the performance of any  
 1628 construction contract in excess of \$250,000 which the department  
 1629 proposes to let must first be certified by the department as  
 1630 qualified pursuant to this section and rules of the department.  
 1631 The rules of the department shall address the qualification of  
 1632 persons to bid on construction contracts in excess of \$250,000  
 1633 and shall include requirements with respect to the equipment,  
 1634 past record, experience, financial resources, and organizational  
 1635 personnel of the applicant necessary to perform the specific  
 1636 class of work for which the person seeks certification. The  
 1637 department is authorized to limit the dollar amount of any  
 1638 contract upon which a person is qualified to bid or the  
 1639 aggregate total dollar volume of contracts such person is  
 1640 allowed to have under contract at any one time. Each applicant  
 1641 seeking qualification to bid on construction contracts in excess  
 1642 of \$250,000 shall furnish the department a statement under oath,  
 1643 on such forms as the department may prescribe, setting forth  
 1644 detailed information as required on the application. Each  
 1645 application for certification shall be accompanied by the latest  
 1646 annual financial statement of the applicant completed within the  
 1647 last 12 months. If the annual financial statement shows the  
 1648 financial condition of the applicant more than 4 months prior to  
 1649 the date on which the application is received by the department,  
 1650 then an interim financial statement must also be submitted. The  
 1651 interim financial statement must cover the period from the end  
 1652 date of the annual statement and must show the financial

1653 condition of the applicant no more than 4 months prior to the  
 1654 date on which the application is received by the department.  
 1655 Each required annual or interim financial statement must be  
 1656 audited and accompanied by the opinion of a certified public  
 1657 accountant or a public accountant approved by the department.  
 1658 The information required by this subsection is confidential and  
 1659 exempt from the provisions of s. 119.07(1). The department  
 1660 shall act upon the application for qualification within 30 days  
 1661 after the department determines that the application is  
 1662 complete. The department may waive the requirements of this  
 1663 subsection for projects having a contract price of \$500,000 or  
 1664 less if the department determines that the project is of a  
 1665 noncritical nature and the waiver will not endanger public  
 1666 health, safety, or property.

1667 Section 26. Paragraph (a) of subsection (1) of section  
 1668 337.18, Florida Statutes, is amended to read:

1669 337.18 Surety bonds for construction or maintenance  
 1670 contracts; requirement with respect to contract award; bond  
 1671 requirements; defaults; damage assessments.--

1672 (1) (a) A surety bond shall be required of the successful  
 1673 bidder in an amount equal to the awarded contract price.  
 1674 However, the department may choose, in its discretion and  
 1675 applicable only to multiyear maintenance contracts, to allow for  
 1676 incremental annual contract bonds that cumulatively total the  
 1677 full, awarded, multiyear contract price. For a project for which  
 1678 the contract price is \$250,000 ~~\$150,000~~ or less, the department  
 1679 may waive the requirement for all or a portion of a surety bond  
 1680 if it determines the project is of a noncritical nature and

1681 nonperformance will not endanger public health, safety, or  
1682 property. If the secretary or his designee determines that it is  
1683 in the best interests of the department to reduce the bonding  
1684 requirement for a project and that to do so will not endanger  
1685 public health, safety, or property, the department may waive the  
1686 requirement of a surety bond in an amount equal to the awarded  
1687 contract price for a project having a contract price of \$250  
1688 million or more and, in its place, may set a surety bond amount  
1689 that is a portion of the total contract price and provide an  
1690 alternate means of security for the balance of the contract  
1691 amount that is not covered by the surety bond or provide for  
1692 incremental surety bonding and provide an alternate means of  
1693 security for the balance of the contract amount that is not  
1694 covered by the surety bond. Such alternative means of security  
1695 may include letters of credit, United States bonds and notes,  
1696 parent company guarantees, and cash collateral. The department  
1697 may require alternate means of security if a surety bond is  
1698 waived. The surety on such bond shall be a surety company  
1699 authorized to do business in the state. All bonds shall be  
1700 payable to the department and conditioned for the prompt,  
1701 faithful, and efficient performance of the contract according to  
1702 plans and specifications and within the time period specified,  
1703 and for the prompt payment of all persons defined in s. 713.01  
1704 furnishing labor, material, equipment, and supplies for work  
1705 provided in the contract; however, whenever an improvement,  
1706 demolition, or removal contract price is \$25,000 or less, the  
1707 security may, in the discretion of the bidder, be in the form of  
1708 a cashier's check, bank money order of any state or national

1709 bank, certified check, or postal money order. The department  
 1710 shall adopt rules to implement this subsection. Such rules shall  
 1711 include provisions under which the department shall refuse to  
 1712 accept bonds on contracts when a surety wrongfully fails or  
 1713 refuses to settle or provide a defense for claims or actions  
 1714 arising under a contract for which the surety previously  
 1715 furnished a bond.

1716 Section 27. Subsection (1) of section 338.155, Florida  
 1717 Statutes, is amended to read:

1718 338.155 Payment of toll on toll facilities required;  
 1719 exemptions.--

1720 (1) No persons are permitted to use any toll facility  
 1721 without payment of tolls, except employees of the agency  
 1722 operating the toll project when using the toll facility on  
 1723 official state business, state military personnel while on  
 1724 official military business, handicapped persons as provided in  
 1725 this section, persons exempt from toll payment by the  
 1726 authorizing resolution for bonds issued to finance the facility,  
 1727 and persons exempt on a temporary basis where use of such toll  
 1728 facility is required as a detour route. Any law enforcement  
 1729 officer operating a marked official vehicle is exempt from toll  
 1730 payment when on official law enforcement business. Any law  
 1731 enforcement officer operating an unmarked official vehicle may,  
 1732 at the discretion of the toll authority, be exempt from toll  
 1733 payment when on official law enforcement business. Any person  
 1734 operating a fire vehicle when on official business or a rescue  
 1735 vehicle when on official business is exempt from toll payment.  
 1736 Any person participating in the funeral procession of a law

1737 enforcement officer or firefighter killed in the line of duty is  
 1738 exempt from toll payment. The secretary, or the secretary's  
 1739 designee, may suspend the payment of tolls on a toll facility  
 1740 when necessary to assist in emergency evacuation. The failure to  
 1741 pay a prescribed toll constitutes a noncriminal traffic  
 1742 infraction, punishable as a moving violation pursuant to s.  
 1743 318.18. The department is authorized to adopt rules relating to  
 1744 guaranteed toll accounts.

1745 Section 28. Subsection (3) is added to section 338.161,  
 1746 Florida Statutes, to read:

1747 338.161 Authority of department or toll agencies to  
 1748 advertise and promote electronic toll collection; expanded uses  
 1749 of electronic toll collection system; studies authorized.--

1750 (3) (a) The department or any toll agency created by  
 1751 statute may incur expenses to advertise or promote its  
 1752 electronic toll collection system to consumers on or off the  
 1753 turnpike or toll system.

1754 (b) If the department or any toll agency created by  
 1755 statute finds that it can increase nontoll revenues or add  
 1756 convenience or other value for its customers, the department or  
 1757 toll agency may enter into agreements with any private or public  
 1758 entity allowing the use of its electronic toll collection system  
 1759 to pay parking fees for vehicles equipped with a transponder or  
 1760 similar device. The department or toll agency may initiate  
 1761 feasibility studies of additional future uses of its electronic  
 1762 toll collection system and make recommendations to the  
 1763 Legislature to authorize such uses.

1764 Section 29. Subsections (1), (3), and (4) of section

1765 338.2275, Florida Statutes, are amended to read:  
 1766 338.2275 Approved turnpike projects.--  
 1767 (1) Legislative approval of the department's tentative  
 1768 work program that contains the turnpike project constitutes  
 1769 approval to issue bonds as required by s. 11(f), Art. VII of the  
 1770 State Constitution. No more than \$10 billion of bonds may be  
 1771 outstanding to fund approved turnpike projects. ~~Turnpike~~  
 1772 ~~projects approved to be included in future tentative work~~  
 1773 ~~programs include, but are not limited to, projects contained in~~  
 1774 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~  
 1775 ~~of bonds may be issued to fund approved turnpike projects.~~  
 1776 ~~(3) Subject to verification of economic feasibility by the~~  
 1777 ~~department in accordance with s. 338.221(8), the department~~  
 1778 ~~shall acquire the assets and assume the liabilities of the~~  
 1779 ~~Sawgrass Expressway as a candidate project from the Broward~~  
 1780 ~~County Expressway Authority. The agreement to acquire the~~  
 1781 ~~Sawgrass Expressway shall be subject to the terms and covenants~~  
 1782 ~~of the Broward County Expressway Authority Bond Series 1984 and~~  
 1783 ~~1986A lease purchase agreements and shall not act to the~~  
 1784 ~~detriment of the bondholders nor decrease the quality of the~~  
 1785 ~~bonds. The department shall provide for the cost of operations~~  
 1786 ~~and maintenance expenses and for the replacement of future~~  
 1787 ~~Broward County gasoline tax funds pledged for the payment of~~  
 1788 ~~principal and interest on such bonds. The department shall~~  
 1789 ~~repay, to the extent possible, Broward County gasoline tax funds~~  
 1790 ~~used since July 6, 1988, for debt service on such bonds. For the~~  
 1791 ~~purpose of calculating the economic feasibility of this project,~~  
 1792 ~~the department is authorized to exclude operations and~~



1793 ~~maintenance expenses accumulated between July 6, 1988, and the~~  
 1794 ~~date of the agreement. Upon performance of all terms of the~~  
 1795 ~~agreement between the parties, the Sawgrass Expressway will~~  
 1796 ~~become a part of the turnpike system.~~

1797 (3)~~(4)~~ Bonds may not be issued to fund a turnpike project  
 1798 until the department has made a final determination that the  
 1799 project is economically feasible in accordance with s. 338.221,  
 1800 based on the most current information available.

1801 Section 30. Subsections (3) and (6) of section 338.231,  
 1802 Florida Statutes, are amended to read:

1803 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 1804 revenues.--The department shall at all times fix, adjust,  
 1805 charge, and collect such tolls for the use of the turnpike  
 1806 system as are required in order to provide a fund sufficient  
 1807 with other revenues of the turnpike system to pay the cost of  
 1808 maintaining, improving, repairing, and operating such turnpike  
 1809 system; to pay the principal of and interest on all bonds issued  
 1810 to finance or refinance any portion of the turnpike system as  
 1811 the same become due and payable; and to create reserves for all  
 1812 such purposes.

1813 (3) (a) The department shall publish a proposed change in  
 1814 the toll rate for the use of an existing toll facility, in the  
 1815 manner provided for in s. 120.54, which will provide for public  
 1816 notice and the opportunity for a public hearing before the  
 1817 adoption of the proposed rate change. When the department is  
 1818 evaluating a proposed turnpike toll project under s. 338.223 and  
 1819 has determined that there is a high probability that the project  
 1820 will pass the test of economic feasibility predicated on

1821 proposed toll rates, the toll rate that is proposed to be  
1822 charged after the project is constructed must be adopted during  
1823 the planning and project development phase of the project, in  
1824 the manner provided for in s. 120.54, including public notice  
1825 and the opportunity for a public hearing. For such a new  
1826 project, the toll rate becomes effective upon the opening of the  
1827 project to traffic.

1828 (b) The department may also fix, adjust, charge, and  
1829 collect transaction fees and collection fees related to tolls  
1830 not paid at the time the toll is incurred. The department shall  
1831 publish its proposed fees in the manner provided for in s.  
1832 120.54, which will provide for public notice and the opportunity  
1833 for a public hearing before the adoption of the proposed fees.  
1834 Any fee so established shall be added to the unpaid toll amount  
1835 due and payable to the department.

1836 (6) In each fiscal year while any of the bonds of the  
1837 Broward County Expressway Authority series 1984 and series 1986-  
1838 A remain outstanding, the department is authorized to pledge  
1839 revenues from the turnpike system to the payment of principal  
1840 and interest of such series of bonds, ~~the repayment of Broward~~  
1841 ~~County gasoline tax funds as provided in s. 338.2275(3),~~ and the  
1842 operation and maintenance expenses of the Sawgrass Expressway,  
1843 to the extent gross toll revenues of the Sawgrass Expressway are  
1844 insufficient to make such payments. The terms of an agreement  
1845 relative to the pledge of turnpike system revenue will be  
1846 negotiated with the parties of the 1984 and 1986 Broward County  
1847 Expressway Authority lease-purchase agreements, and subject to  
1848 the covenants of those agreements. The agreement shall establish

CS/CS/HB 985

2007

1849 that the Sawgrass Expressway shall be subject to the planning,  
 1850 management, and operating control of the department limited only  
 1851 by the terms of the lease-purchase agreements. The department  
 1852 shall provide for the payment of operation and maintenance  
 1853 expenses of the Sawgrass Expressway until such agreement is in  
 1854 effect. This pledge of turnpike system revenues shall be  
 1855 subordinate to the debt service requirements of any future issue  
 1856 of turnpike bonds, the payment of turnpike system operation and  
 1857 maintenance expenses, and subject to provisions of any  
 1858 subsequent resolution or trust indenture relating to the  
 1859 issuance of such turnpike bonds.

1860 Section 31. Section 339.175, Florida Statutes, is amended  
 1861 to read:

1862 339.175 Metropolitan planning organization.--

1863 (1) PURPOSE.--It is the intent of the Legislature to  
 1864 encourage and promote the safe and efficient management,  
 1865 operation, and development of surface transportation systems  
 1866 that will serve the mobility needs of people and freight and  
 1867 foster economic growth and development within and through  
 1868 urbanized areas of this state while minimizing transportation-  
 1869 related fuel consumption and air pollution through metropolitan  
 1870 transportation planning processes identified in this section. To  
 1871 accomplish these objectives, metropolitan planning  
 1872 organizations, referred to in this section as M.P.O.'s, shall  
 1873 develop, in cooperation with the state and public transit  
 1874 operators, transportation plans and programs for metropolitan  
 1875 areas. The plans and programs for each metropolitan area must  
 1876 provide for the development and integrated management and

1877 operation of transportation systems and facilities, including  
 1878 pedestrian walkways and bicycle transportation facilities that  
 1879 will function as an intermodal transportation system for the  
 1880 metropolitan area, based upon the prevailing principles provided  
 1881 in s. 334.046(1). The process for developing such plans and  
 1882 programs shall provide for consideration of all modes of  
 1883 transportation and shall be continuing, cooperative, and  
 1884 comprehensive, to the degree appropriate, based on the  
 1885 complexity of the transportation problems to be addressed. To  
 1886 ensure that the process is integrated with the statewide  
 1887 planning process, M.P.O.'s shall develop plans and programs that  
 1888 identify transportation facilities that should function as an  
 1889 integrated metropolitan transportation system, giving emphasis  
 1890 to facilities that serve important national, state, and regional  
 1891 transportation functions. For the purposes of this section,  
 1892 those facilities include the facilities on the Strategic  
 1893 Intermodal System designated under s. 339.63 and facilities for  
 1894 which projects have been identified pursuant to s. 339.2819(4).

1895 (2)~~(1)~~ DESIGNATION.--

1896 (a)1. An M.P.O. shall be designated for each urbanized  
 1897 area of the state; however, this does not require that an  
 1898 individual M.P.O. be designated for each such area. Such  
 1899 designation shall be accomplished by agreement between the  
 1900 Governor and units of general-purpose local government  
 1901 representing at least 75 percent of the population of the  
 1902 urbanized area; however, the unit of general-purpose local  
 1903 government that represents the central city or cities within the

1904 M.P.O. jurisdiction, as defined by the United States Bureau of  
 1905 the Census, must be a party to such agreement.

1906 2. More than one M.P.O. may be designated within an  
 1907 existing metropolitan planning area only if the Governor and the  
 1908 existing M.P.O. determine that the size and complexity of the  
 1909 existing metropolitan planning area makes the designation of  
 1910 more than one M.P.O. for the area appropriate.

1911 (b) Each M.P.O. designated in a manner prescribed by Title  
 1912 23 U.S.C. shall be created and operated under the provisions of  
 1913 this section pursuant to an interlocal agreement entered into  
 1914 pursuant to s. 163.01. The signatories to the interlocal  
 1915 agreement shall be the department and the governmental entities  
 1916 designated by the Governor for membership on the M.P.O. Each  
 1917 M.P.O. shall be considered separate from the state or the  
 1918 governing body of a local government that is represented on the  
 1919 governing board of the M.P.O. or that is a signatory to the  
 1920 interlocal agreement creating the M.P.O. and shall have such  
 1921 powers and privileges as are provided under s. 163.01. If there  
 1922 is a conflict between this section and s. 163.01, this section  
 1923 prevails.

1924 (c) The jurisdictional boundaries of an M.P.O. shall be  
 1925 determined by agreement between the Governor and the applicable  
 1926 M.P.O. The boundaries must include at least the metropolitan  
 1927 planning area, which is the existing urbanized area and the  
 1928 contiguous area expected to become urbanized within a 20-year  
 1929 forecast period, and may encompass the entire metropolitan  
 1930 statistical area or the consolidated metropolitan statistical  
 1931 area.

1932 (d) In the case of an urbanized area designated as a  
 1933 nonattainment area for ozone or carbon monoxide under the Clean  
 1934 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
 1935 metropolitan planning area in existence as of the date of  
 1936 enactment of this paragraph shall be retained, except that the  
 1937 boundaries may be adjusted by agreement of the Governor and  
 1938 affected metropolitan planning organizations in the manner  
 1939 described in this section. If more than one M.P.O. has authority  
 1940 within a metropolitan area or an area that is designated as a  
 1941 nonattainment area, each M.P.O. shall consult with other  
 1942 M.P.O.'s designated for such area and with the state in the  
 1943 coordination of plans and programs required by this section.

1944 (e) The governing body of the M.P.O. shall designate, at a  
 1945 minimum, a chair, vice chair, and agency clerk. The chair and  
 1946 vice chair shall be selected from among the member delegates  
 1947 comprising the governing board. The agency clerk shall be  
 1948 charged with the responsibility of preparing meeting minutes and  
 1949 maintaining agency records. The clerk shall be a member of the  
 1950 M.P.O. governing board, an employee of the M.P.O., or other  
 1951 natural person.

1952  
 1953 Each M.P.O. required under this section must be fully operative  
 1954 no later than 6 months following its designation.

1955 ~~(3)~~ (2) VOTING MEMBERSHIP.--

1956 (a) The voting membership of an M.P.O. shall consist of  
 1957 not fewer than 5 or more than 19 apportioned members, the exact  
 1958 number to be determined on an equitable geographic-population  
 1959 ratio basis by the Governor, based on an agreement among the

1960 affected units of general-purpose local government as required  
 1961 by federal rules and regulations. The Governor, in accordance  
 1962 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
 1963 represent municipalities to alternate with representatives from  
 1964 other municipalities within the metropolitan planning area that  
 1965 do not have members on the M.P.O. County commission members  
 1966 shall compose not less than one-third of the M.P.O. membership,  
 1967 except for an M.P.O. with more than 15 members located in a  
 1968 county with a 5-member ~~five-member~~ county commission or an  
 1969 M.P.O. with 19 members located in a county with no more than 6  
 1970 county commissioners, in which case county commission members  
 1971 may compose less than one-third percent of the M.P.O.  
 1972 membership, but all county commissioners must be members. All  
 1973 voting members shall be elected officials of general-purpose  
 1974 local governments, except that an M.P.O. may include, as part of  
 1975 its apportioned voting members, a member of a statutorily  
 1976 authorized planning board, an official of an agency that  
 1977 operates or administers a major mode of transportation, or an  
 1978 official of the Florida Space Authority. As used in this  
 1979 section, the term "elected officials of a general-purpose local  
 1980 government" shall exclude constitutional officers, including  
 1981 sheriffs, tax collectors, supervisors of elections, property  
 1982 appraisers, clerks of the court, and similar types of officials.  
 1983 County commissioners ~~The county commission~~ shall compose not  
 1984 less than 20 percent of the M.P.O. membership if an official of  
 1985 an agency that operates or administers a major mode of  
 1986 transportation has been appointed to an M.P.O.

1987 (b) In metropolitan areas in which authorities or other

1988 agencies have been or may be created by law to perform  
 1989 transportation functions and are performing transportation  
 1990 functions that are not under the jurisdiction of a general-  
 1991 purpose ~~general purpose~~ local government represented on the  
 1992 M.P.O., they shall be provided voting membership on the M.P.O.  
 1993 In all other M.P.O.'s where transportation authorities or  
 1994 agencies are to be represented by elected officials from  
 1995 general-purpose ~~general purpose~~ local governments, the M.P.O.  
 1996 shall establish a process by which the collective interests of  
 1997 such authorities or other agencies are expressed and conveyed.

1998 (c) Any other provision of this section to the contrary  
 1999 notwithstanding, a chartered county with over 1 million  
 2000 population may elect to reapportion the membership of an M.P.O.  
 2001 whose jurisdiction is wholly within the county. The charter  
 2002 county may exercise the provisions of this paragraph if:

- 2003 1. The M.P.O. approves the reapportionment plan by a  
 2004 three-fourths vote of its membership;
- 2005 2. The M.P.O. and the charter county determine that the  
 2006 reapportionment plan is needed to fulfill specific goals and  
 2007 policies applicable to that metropolitan planning area; and
- 2008 3. The charter county determines the reapportionment plan  
 2009 otherwise complies with all federal requirements pertaining to  
 2010 M.P.O. membership.

2011  
 2012 Any charter county that elects to exercise the provisions of  
 2013 this paragraph shall notify the Governor in writing.

2014 (d) Any other provision of this section to the contrary  
 2015 notwithstanding, any county chartered under s. 6(e), Art. VIII



2016 of the State Constitution may elect to have its county  
 2017 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
 2018 wholly contained within the county. Any charter county that  
 2019 elects to exercise the provisions of this paragraph shall so  
 2020 notify the Governor in writing. Upon receipt of such  
 2021 notification, the Governor must designate the county commission  
 2022 as the M.P.O. The Governor must appoint four additional voting  
 2023 members to the M.P.O., one of whom must be an elected official  
 2024 representing a municipality within the county, one of whom must  
 2025 be an expressway authority member, one of whom must be a person  
 2026 who does not hold elected public office and who resides in the  
 2027 unincorporated portion of the county, and one of whom must be a  
 2028 school board member.

2029 (4)~~(3)~~ APPORTIONMENT.--

2030 (a) The Governor shall, with the agreement of the affected  
 2031 units of general-purpose local government as required by federal  
 2032 rules and regulations, apportion the membership on the  
 2033 applicable M.P.O. among the various governmental entities within  
 2034 the area. At the request of a majority of the affected units of  
 2035 general-purpose local government comprising an M.P.O., the  
 2036 Governor and a majority of units of general-purpose local  
 2037 government serving on an M.P.O. shall cooperatively agree upon  
 2038 and prescribe who may serve as an alternate member and shall  
 2039 ~~prescribe~~ a method for appointing alternate members who may vote  
 2040 at any M.P.O. meeting that an alternate member attends in place  
 2041 of a regular member. The method shall be set forth as a part of  
 2042 the interlocal agreement describing the M.P.O.'s membership or  
 2043 in the M.P.O.'s operating procedures and bylaws. ~~An appointed~~

2044 ~~alternate member must be an elected official serving the same~~  
2045 ~~governmental entity or a general purpose local government with~~  
2046 ~~jurisdiction within all or part of the area that the regular~~  
2047 ~~member serves.~~ The governmental entity so designated shall  
2048 appoint the appropriate number of members to the M.P.O. from  
2049 eligible officials. Representatives of the department shall  
2050 serve as nonvoting members of the M.P.O. governing board.  
2051 Nonvoting advisers may be appointed by the M.P.O. as deemed  
2052 necessary; however, to the maximum extent feasible, each M.P.O.  
2053 shall seek to appoint nonvoting representatives of various  
2054 multimodal forms of transportation not otherwise represented by  
2055 voting members of the M.P.O. An M.P.O. shall appoint nonvoting  
2056 advisers representing major military installations located  
2057 within the jurisdictional boundaries of the M.P.O. upon the  
2058 request of the aforesaid major military installations and  
2059 subject to the agreement of the M.P.O. All nonvoting advisers  
2060 may attend and participate fully in governing board meetings but  
2061 shall not have a vote and shall not be members of the governing  
2062 board. The Governor shall review the composition of the M.P.O.  
2063 membership in conjunction with the decennial census as prepared  
2064 by the United States Department of Commerce, Bureau of the  
2065 Census, and reapportion it as necessary to comply with  
2066 subsection (3) ~~(2)~~.

2067 (b) Except for members who represent municipalities on the  
2068 basis of alternating with representatives from other  
2069 municipalities that do not have members on the M.P.O. as  
2070 provided in paragraph (3) (a) ~~(2) (a)~~, the members of an M.P.O.  
2071 shall serve 4-year terms. Members who represent municipalities

2072 on the basis of alternating with representatives from other  
 2073 municipalities that do not have members on the M.P.O. as  
 2074 provided in paragraph (3) (a) ~~(2)(a)~~ may serve terms of up to 4  
 2075 years as further provided in the interlocal agreement described  
 2076 in paragraph (2) (b) ~~(1)(b)~~. The membership of a member who is a  
 2077 public official automatically terminates upon the member's  
 2078 leaving his or her elective or appointive office for any reason,  
 2079 or may be terminated by a majority vote of the total membership  
 2080 of the entity's governing board ~~a county or city governing~~  
 2081 ~~entity~~ represented by the member. A vacancy shall be filled by  
 2082 the original appointing entity. A member may be reappointed for  
 2083 one or more additional 4-year terms.

2084 (c) If a governmental entity fails to fill an assigned  
 2085 appointment to an M.P.O. within 60 days after notification by  
 2086 the Governor of its duty to appoint, that appointment shall be  
 2087 made by the Governor from the eligible representatives of that  
 2088 governmental entity.

2089 (5)~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and  
 2090 responsibility of an M.P.O. is to manage a continuing,  
 2091 cooperative, and comprehensive transportation planning process  
 2092 that, based upon the prevailing principles provided in s.  
 2093 334.046(1), results in the development of plans and programs  
 2094 which are consistent, to the maximum extent feasible, with the  
 2095 approved local government comprehensive plans of the units of  
 2096 local government the boundaries of which are within the  
 2097 metropolitan area of the M.P.O. An M.P.O. shall be the forum for  
 2098 cooperative decisionmaking by officials of the affected  
 2099 governmental entities in the development of the plans and

2100 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and  
 2101 (9).

2102 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
 2103 privileges, and authority of an M.P.O. are those specified in  
 2104 this section or incorporated in an interlocal agreement  
 2105 authorized under s. 163.01. Each M.P.O. shall perform all acts  
 2106 required by federal or state laws or rules, now and subsequently  
 2107 applicable, which are necessary to qualify for federal aid. It  
 2108 is the intent of this section that each M.P.O. shall be involved  
 2109 in the planning and programming of transportation facilities,  
 2110 including, but not limited to, airports, intercity and high-  
 2111 speed rail lines, seaports, and intermodal facilities, to the  
 2112 extent permitted by state or federal law.

2113 (a) Each M.P.O. shall, in cooperation with the department,  
 2114 develop:

2115 1. A long-range transportation plan pursuant to the  
 2116 requirements of subsection (7) ~~(6)~~;

2117 2. An annually updated transportation improvement program  
 2118 pursuant to the requirements of subsection (8) ~~(7)~~; and

2119 3. An annual unified planning work program pursuant to the  
 2120 requirements of subsection (9) ~~(8)~~.

2121 (b) In developing the long-range transportation plan and  
 2122 the transportation improvement program required under paragraph  
 2123 (a), each M.P.O. shall provide for consideration of projects and  
 2124 strategies that will:

2125 1. Support the economic vitality of the metropolitan area,  
 2126 especially by enabling global competitiveness, productivity, and  
 2127 efficiency;

2128           2. Increase the safety and security of the transportation  
2129 system for motorized and nonmotorized users;

2130           3. Increase the accessibility and mobility options  
2131 available to people and for freight;

2132           4. Protect and enhance the environment, promote energy  
2133 conservation, and improve quality of life;

2134           5. Enhance the integration and connectivity of the  
2135 transportation system, across and between modes, for people and  
2136 freight;

2137           6. Promote efficient system management and operation; and

2138           7. Emphasize the preservation of the existing  
2139 transportation system.

2140           (c) In order to provide recommendations to the department  
2141 and local governmental entities regarding transportation plans  
2142 and programs, each M.P.O. shall:

2143           1. Prepare a congestion management system for the  
2144 metropolitan area and cooperate with the department in the  
2145 development of all other transportation management systems  
2146 required by state or federal law;

2147           2. Assist the department in mapping transportation  
2148 planning boundaries required by state or federal law;

2149           3. Assist the department in performing its duties relating  
2150 to access management, functional classification of roads, and  
2151 data collection;

2152           4. Execute all agreements or certifications necessary to  
2153 comply with applicable state or federal law;

2154           5. Represent all the jurisdictional areas within the  
2155 metropolitan area in the formulation of transportation plans and

2156 | programs required by this section; and  
 2157 |         6. Perform all other duties required by state or federal  
 2158 | law.  
 2159 |         (d) Each M.P.O. shall appoint a technical advisory  
 2160 | committee, the members of which shall serve at the pleasure of  
 2161 | the M.P.O. The membership of the technical advisory committee  
 2162 | must include, whenever possible, ~~that includes~~ planners;  
 2163 | engineers; representatives of local aviation authorities, port  
 2164 | authorities, and public transit authorities or representatives  
 2165 | of aviation departments, seaport departments, and public transit  
 2166 | departments of municipal or county governments, as applicable;  
 2167 | the school superintendent of each county within the jurisdiction  
 2168 | of the M.P.O. or the superintendent's designee; and other  
 2169 | appropriate representatives of affected local governments. In  
 2170 | addition to any other duties assigned to it by the M.P.O. or by  
 2171 | state or federal law, the technical advisory committee is  
 2172 | responsible for considering safe access to schools in its review  
 2173 | of transportation project priorities, long-range transportation  
 2174 | plans, and transportation improvement programs, and shall advise  
 2175 | the M.P.O. on such matters. In addition, the technical advisory  
 2176 | committee shall coordinate its actions with local school boards  
 2177 | and other local programs and organizations within the  
 2178 | metropolitan area which participate in school safety activities,  
 2179 | such as locally established community traffic safety teams.  
 2180 | Local school boards must provide the appropriate M.P.O. with  
 2181 | information concerning future school sites and in the  
 2182 | coordination of transportation service.  
 2183 |         (e)1. Each M.P.O. shall appoint a citizens' advisory

2184 committee, the members of which serve at the pleasure of the  
 2185 M.P.O. The membership on the citizens' advisory committee must  
 2186 reflect a broad cross section of local residents with an  
 2187 interest in the development of an efficient, safe, and cost-  
 2188 effective transportation system. Minorities, the elderly, and  
 2189 the handicapped must be adequately represented.

2190 2. Notwithstanding the provisions of subparagraph 1., an  
 2191 M.P.O. may, with the approval of the department and the  
 2192 applicable federal governmental agency, adopt an alternative  
 2193 program or mechanism to ensure citizen involvement in the  
 2194 transportation planning process.

2195 (f) The department shall allocate to each M.P.O., for the  
 2196 purpose of accomplishing its transportation planning and  
 2197 programming duties, an appropriate amount of federal  
 2198 transportation planning funds.

2199 (g) Each M.P.O. shall have an executive or staff director  
 2200 who reports directly to the M.P.O. governing board for all  
 2201 matters regarding the administration and operation of the M.P.O.  
 2202 and any additional personnel as deemed necessary. The executive  
 2203 director and any additional personnel may be employed either by  
 2204 an M.P.O. or by another governmental entity, such as a county,  
 2205 city, or regional planning council, that has a staff services  
 2206 agreement signed and in effect with the M.P.O. Each M.P.O. may  
 2207 ~~employ personnel or may~~ enter into contracts with local or state  
 2208 agencies, private planning firms, ~~or~~ private engineering firms,  
 2209 or other public or private entities to accomplish its  
 2210 transportation planning and programming duties and  
 2211 administrative functions ~~required by state or federal law.~~

2212           (h) In order to enhance their knowledge, effectiveness,  
 2213 and participation in the urbanized area transportation planning  
 2214 process, each M.P.O. shall provide training opportunities and  
 2215 training funds specifically for local elected officials and  
 2216 others who serve on an M.P.O. The training opportunities may be  
 2217 conducted by an individual M.P.O. or through statewide and  
 2218 federal training programs and initiatives that are specifically  
 2219 designed to meet the needs of M.P.O. board members.

2220           (i)~~(h)~~ A chair's coordinating committee is created,  
 2221 composed of the M.P.O.'s serving Hernando, Hillsborough,  
 2222 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
 2223 committee must, at a minimum:

- 2224           1. Coordinate transportation projects deemed to be  
 2225 regionally significant by the committee.
- 2226           2. Review the impact of regionally significant land use  
 2227 decisions on the region.
- 2228           3. Review all proposed regionally significant  
 2229 transportation projects in the respective transportation  
 2230 improvement programs which affect more than one of the M.P.O.'s  
 2231 represented on the committee.
- 2232           4. Institute a conflict resolution process to address any  
 2233 conflict that may arise in the planning and programming of such  
 2234 regionally significant projects.

2235           (j)~~(i)~~1. The Legislature finds that the state's rapid  
 2236 growth in recent decades has caused many urbanized areas subject  
 2237 to M.P.O. jurisdiction to become contiguous to each other. As a  
 2238 result, various transportation projects may cross from the  
 2239 jurisdiction of one M.P.O. into the jurisdiction of another



2240 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
 2241 have been mandated, M.P.O.'s shall develop coordination  
 2242 mechanisms with one another to expand and improve transportation  
 2243 within the state. The appropriate method of coordination between  
 2244 M.P.O.'s shall vary depending upon the project involved and  
 2245 given local and regional needs. Consequently, it is appropriate  
 2246 to set forth a flexible methodology that can be used by M.P.O.'s  
 2247 to coordinate with other M.P.O.'s and appropriate political  
 2248 subdivisions as circumstances demand.

2249         2. Any M.P.O. may join with any other M.P.O. or any  
 2250 individual political subdivision to coordinate activities or to  
 2251 achieve any federal or state transportation planning or  
 2252 development goals or purposes consistent with federal or state  
 2253 law. When an M.P.O. determines that it is appropriate to join  
 2254 with another M.P.O. or any political subdivision to coordinate  
 2255 activities, the M.P.O. or political subdivision shall enter into  
 2256 an interlocal agreement pursuant to s. 163.01, which, at a  
 2257 minimum, creates a separate legal or administrative entity to  
 2258 coordinate the transportation planning or development activities  
 2259 required to achieve the goal or purpose; provides ~~provide~~ the  
 2260 purpose for which the entity is created; provides ~~provide~~ the  
 2261 duration of the agreement and the entity, and specifies ~~specify~~  
 2262 how the agreement may be terminated, modified, or rescinded;  
 2263 describes ~~describe~~ the precise organization of the entity,  
 2264 including who has voting rights on the governing board, whether  
 2265 alternative voting members are provided for, how voting members  
 2266 are appointed, and what the relative voting strength is for each  
 2267 constituent M.P.O. or political subdivision; provides ~~provide~~

2268 the manner in which the parties to the agreement will provide  
 2269 for the financial support of the entity and payment of costs and  
 2270 expenses of the entity; provides ~~provide~~ the manner in which  
 2271 funds may be paid to and disbursed from the entity; and provides  
 2272 ~~provide~~ how members of the entity will resolve disagreements  
 2273 regarding interpretation of the interlocal agreement or disputes  
 2274 relating to the operation of the entity. Such interlocal  
 2275 agreement shall become effective upon its recordation in the  
 2276 official public records of each county in which a member of the  
 2277 entity created by the interlocal agreement has a voting member.  
 2278 This paragraph does not require any M.P.O.'s to merge, combine,  
 2279 or otherwise join together as a single M.P.O.

2280 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
 2281 develop a long-range transportation plan that addresses at least  
 2282 a 20-year planning horizon. The plan must include both long-  
 2283 range and short-range strategies and must comply with all other  
 2284 state and federal requirements. The prevailing principles to be  
 2285 considered in the long-range transportation plan are: preserving  
 2286 the existing transportation infrastructure; enhancing Florida's  
 2287 economic competitiveness; and improving travel choices to ensure  
 2288 mobility. The long-range transportation plan must be consistent,  
 2289 to the maximum extent feasible, with future land use elements  
 2290 and the goals, objectives, and policies of the approved local  
 2291 government comprehensive plans of the units of local government  
 2292 located within the jurisdiction of the M.P.O. The approved long-  
 2293 range transportation plan must be considered by local  
 2294 governments in the development of the transportation elements in

2295 local government comprehensive plans and any amendments thereto.

2296 The long-range transportation plan must, at a minimum:

2297 (a) Identify transportation facilities, including, but not  
2298 limited to, major roadways, airports, seaports, spaceports,  
2299 commuter rail systems, transit systems, and intermodal or  
2300 multimodal terminals that will function as an integrated  
2301 metropolitan transportation system. The long-range  
2302 transportation plan must give emphasis to those transportation  
2303 facilities that serve national, statewide, or regional  
2304 functions, and must consider the goals and objectives identified  
2305 in the Florida Transportation Plan as provided in s. 339.155. If  
2306 a project is located within the boundaries of more than one  
2307 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
2308 in the long-range transportation plan.

2309 (b) Include a financial plan that demonstrates how the  
2310 plan can be implemented, indicating resources from public and  
2311 private sources which are reasonably expected to be available to  
2312 carry out the plan, and recommends any additional financing  
2313 strategies for needed projects and programs. The financial plan  
2314 may include, for illustrative purposes, additional projects that  
2315 would be included in the adopted long-range transportation plan  
2316 if reasonable additional resources beyond those identified in  
2317 the financial plan were available. For the purpose of developing  
2318 the long-range transportation plan, the M.P.O. and the  
2319 department shall cooperatively develop estimates of funds that  
2320 will be available to support the plan implementation. Innovative  
2321 financing techniques may be used to fund needed projects and

2322 programs. Such techniques may include the assessment of tolls,  
 2323 the use of value capture financing, or the use of value pricing.

2324 (c) Assess capital investment and other measures necessary  
 2325 to:

2326 1. Ensure the preservation of the existing metropolitan  
 2327 transportation system including requirements for the operation,  
 2328 resurfacing, restoration, and rehabilitation of major roadways  
 2329 and requirements for the operation, maintenance, modernization,  
 2330 and rehabilitation of public transportation facilities; and

2331 2. Make the most efficient use of existing transportation  
 2332 facilities to relieve vehicular congestion and maximize the  
 2333 mobility of people and goods.

2334 (d) Indicate, as appropriate, proposed transportation  
 2335 enhancement activities, including, but not limited to,  
 2336 pedestrian and bicycle facilities, scenic easements,  
 2337 landscaping, historic preservation, mitigation of water  
 2338 pollution due to highway runoff, and control of outdoor  
 2339 advertising.

2340 (e) In addition to the requirements of paragraphs (a)-(d),  
 2341 in metropolitan areas that are classified as nonattainment areas  
 2342 for ozone or carbon monoxide, the M.P.O. must coordinate the  
 2343 development of the long-range transportation plan with the State  
 2344 Implementation Plan developed pursuant to the requirements of  
 2345 the federal Clean Air Act.

2346  
 2347 In the development of its long-range transportation plan, each  
 2348 M.P.O. must provide the public, affected public agencies,  
 2349 representatives of transportation agency employees, freight

CS/CS/HB 985

2007

2350 shippers, providers of freight transportation services, private  
 2351 providers of transportation, representatives of users of public  
 2352 transit, and other interested parties with a reasonable  
 2353 opportunity to comment on the long-range transportation plan.  
 2354 The long-range transportation plan must be approved by the  
 2355 M.P.O.

2356 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
 2357 shall, in cooperation with the state and affected public  
 2358 transportation operators, develop a transportation improvement  
 2359 program for the area within the jurisdiction of the M.P.O. In  
 2360 the development of the transportation improvement program, each  
 2361 M.P.O. must provide the public, affected public agencies,  
 2362 representatives of transportation agency employees, freight  
 2363 shippers, providers of freight transportation services, private  
 2364 providers of transportation, representatives of users of public  
 2365 transit, and other interested parties with a reasonable  
 2366 opportunity to comment on the proposed transportation  
 2367 improvement program.

2368 (a) Each M.P.O. is responsible for developing, annually, a  
 2369 list of project priorities and a transportation improvement  
 2370 program. The prevailing principles to be considered by each  
 2371 M.P.O. when developing a list of project priorities and a  
 2372 transportation improvement program are: preserving the existing  
 2373 transportation infrastructure; enhancing Florida's economic  
 2374 competitiveness; and improving travel choices to ensure  
 2375 mobility. The transportation improvement program will be used to  
 2376 initiate federally aided transportation facilities and  
 2377 improvements as well as other transportation facilities and

CS/CS/HB 985

2007

2378 improvements including transit, rail, aviation, spaceport, and  
2379 port facilities to be funded from the State Transportation Trust  
2380 Fund within its metropolitan area in accordance with existing  
2381 and subsequent federal and state laws and rules and regulations  
2382 related thereto. The transportation improvement program shall be  
2383 consistent, to the maximum extent feasible, with the approved  
2384 local government comprehensive plans of the units of local  
2385 government whose boundaries are within the metropolitan area of  
2386 the M.P.O. and include those projects programmed pursuant to s.  
2387 339.2819(4).

2388 (b) Each M.P.O. annually shall prepare a list of project  
2389 priorities and shall submit the list to the appropriate district  
2390 of the department by October 1 of each year; however, the  
2391 department and a metropolitan planning organization may, in  
2392 writing, agree to vary this submittal date. The list of project  
2393 priorities must be formally reviewed by the technical and  
2394 citizens' advisory committees, and approved by the M.P.O.,  
2395 before it is transmitted to the district. The approved list of  
2396 project priorities must be used by the district in developing  
2397 the district work program and must be used by the M.P.O. in  
2398 developing its transportation improvement program. The annual  
2399 list of project priorities must be based upon project selection  
2400 criteria that, at a minimum, consider the following:

- 2401 1. The approved M.P.O. long-range transportation plan;
- 2402 2. The Strategic Intermodal System Plan developed under s.  
2403 339.64.
- 2404 3. The priorities developed pursuant to s. 339.2819(4).

2405 4. The results of the transportation management systems;  
 2406 and

2407 5. The M.P.O.'s public-involvement procedures.

2408 (c) The transportation improvement program must, at a  
 2409 minimum:

2410 1. Include projects and project phases to be funded with  
 2411 state or federal funds within the time period of the  
 2412 transportation improvement program and which are recommended for  
 2413 advancement during the next fiscal year and 4 subsequent fiscal  
 2414 years. Such projects and project phases must be consistent, to  
 2415 the maximum extent feasible, with the approved local government  
 2416 comprehensive plans of the units of local government located  
 2417 within the jurisdiction of the M.P.O. For informational  
 2418 purposes, the transportation improvement program shall also  
 2419 include a list of projects to be funded from local or private  
 2420 revenues.

2421 2. Include projects within the metropolitan area which are  
 2422 proposed for funding under 23 U.S.C. s. 134 of the Federal  
 2423 Transit Act and which are consistent with the long-range  
 2424 transportation plan developed under subsection (7) ~~(6)~~.

2425 3. Provide a financial plan that demonstrates how the  
 2426 transportation improvement program can be implemented; indicates  
 2427 the resources, both public and private, that are reasonably  
 2428 expected to be available to accomplish the program; identifies  
 2429 any innovative financing techniques that may be used to fund  
 2430 needed projects and programs; and may include, for illustrative  
 2431 purposes, additional projects that would be included in the  
 2432 approved transportation improvement program if reasonable

2433 additional resources beyond those identified in the financial  
2434 plan were available. Innovative financing techniques may include  
2435 the assessment of tolls, the use of value capture financing, or  
2436 the use of value pricing. The transportation improvement program  
2437 may include a project or project phase only if full funding can  
2438 reasonably be anticipated to be available for the project or  
2439 project phase within the time period contemplated for completion  
2440 of the project or project phase.

2441 4. Group projects and project phases of similar urgency  
2442 and anticipated staging into appropriate staging periods.

2443 5. Indicate how the transportation improvement program  
2444 relates to the long-range transportation plan developed under  
2445 subsection (7) ~~(6)~~, including providing examples of specific  
2446 projects or project phases that further the goals and policies  
2447 of the long-range transportation plan.

2448 6. Indicate whether any project or project phase is  
2449 inconsistent with an approved comprehensive plan of a unit of  
2450 local government located within the jurisdiction of the M.P.O.  
2451 If a project is inconsistent with an affected comprehensive  
2452 plan, the M.P.O. must provide justification for including the  
2453 project in the transportation improvement program.

2454 7. Indicate how the improvements are consistent, to the  
2455 maximum extent feasible, with affected seaport, airport, and  
2456 spaceport master plans and with public transit development plans  
2457 of the units of local government located within the jurisdiction  
2458 of the M.P.O. If a project is located within the boundaries of  
2459 more than one M.P.O., the M.P.O.'s must coordinate plans  
2460 regarding the project in the transportation improvement program.



2461 (d) Projects included in the transportation improvement  
2462 program and that have advanced to the design stage of  
2463 preliminary engineering may be removed from or rescheduled in a  
2464 subsequent transportation improvement program only by the joint  
2465 action of the M.P.O. and the department. Except when recommended  
2466 in writing by the district secretary for good cause, any project  
2467 removed from or rescheduled in a subsequent transportation  
2468 improvement program shall not be rescheduled by the M.P.O. in  
2469 that subsequent program earlier than the 5th year of such  
2470 program.

2471 (e) During the development of the transportation  
2472 improvement program, the M.P.O. shall, in cooperation with the  
2473 department and any affected public transit operation, provide  
2474 citizens, affected public agencies, representatives of  
2475 transportation agency employees, freight shippers, providers of  
2476 freight transportation services, private providers of  
2477 transportation, representatives of users of public transit, and  
2478 other interested parties with reasonable notice of and an  
2479 opportunity to comment on the proposed program.

2480 (f) The adopted annual transportation improvement program  
2481 for M.P.O.'s in nonattainment or maintenance areas must be  
2482 submitted to the district secretary and the Department of  
2483 Community Affairs at least 90 days before the submission of the  
2484 state transportation improvement program by the department to  
2485 the appropriate federal agencies. The annual transportation  
2486 improvement program for M.P.O.'s in attainment areas must be  
2487 submitted to the district secretary and the Department of  
2488 Community Affairs at least 45 days before the department submits

2489 the state transportation improvement program to the appropriate  
 2490 federal agencies; however, the department, the Department of  
 2491 Community Affairs, and a metropolitan planning organization may,  
 2492 in writing, agree to vary this submittal date. The Governor or  
 2493 the Governor's designee shall review and approve each  
 2494 transportation improvement program and any amendments thereto.

2495 (g) The Department of Community Affairs shall review the  
 2496 annual transportation improvement program of each M.P.O. for  
 2497 consistency with the approved local government comprehensive  
 2498 plans of the units of local government whose boundaries are  
 2499 within the metropolitan area of each M.P.O. and shall identify  
 2500 those projects that are inconsistent with such comprehensive  
 2501 plans. The Department of Community Affairs shall notify an  
 2502 M.P.O. of any transportation projects contained in its  
 2503 transportation improvement program which are inconsistent with  
 2504 the approved local government comprehensive plans of the units  
 2505 of local government whose boundaries are within the metropolitan  
 2506 area of the M.P.O.

2507 (h) The M.P.O. shall annually publish or otherwise make  
 2508 available for public review the annual listing of projects for  
 2509 which federal funds have been obligated in the preceding year.  
 2510 Project monitoring systems must be maintained by those agencies  
 2511 responsible for obligating federal funds and made accessible to  
 2512 the M.P.O.'s.

2513 (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
 2514 develop, in cooperation with the department and public  
 2515 transportation providers, a unified planning work program that  
 2516 lists all planning tasks to be undertaken during the program

2517 | year. The unified planning work program must provide a complete  
 2518 | description of each planning task and an estimated budget  
 2519 | therefor and must comply with applicable state and federal law.

2520 | (10)~~(9)~~ AGREEMENTS.--

2521 | (a) Each M.P.O. shall execute the following written  
 2522 | agreements, which shall be reviewed, and updated as necessary,  
 2523 | every 5 years:

2524 | 1. An agreement with the department clearly establishing  
 2525 | the cooperative relationship essential to accomplish the  
 2526 | transportation planning requirements of state and federal law.

2527 | 2. An agreement with the metropolitan and regional  
 2528 | intergovernmental coordination and review agencies serving the  
 2529 | metropolitan areas, specifying the means by which activities  
 2530 | will be coordinated and how transportation planning and  
 2531 | programming will be part of the comprehensive planned  
 2532 | development of the area.

2533 | 3. An agreement with operators of public transportation  
 2534 | systems, including transit systems, commuter rail systems,  
 2535 | airports, seaports, and spaceports, describing the means by  
 2536 | which activities will be coordinated and specifying how public  
 2537 | transit, commuter rail, aviation, seaport, and aerospace  
 2538 | planning and programming will be part of the comprehensive  
 2539 | planned development of the metropolitan area.

2540 | (b) An M.P.O. may execute other agreements required by  
 2541 | state or federal law or as necessary to properly accomplish its  
 2542 | functions.

2543 | (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY  
 2544 | COUNCIL.--

2545 (a) A Metropolitan Planning Organization Advisory Council  
 2546 is created to augment, and not supplant, the role of the  
 2547 individual M.P.O.'s in the cooperative transportation planning  
 2548 process described in this section.

2549 (b) The council shall consist of one representative from  
 2550 each M.P.O. and shall elect a chairperson annually from its  
 2551 number. Each M.P.O. shall also elect an alternate representative  
 2552 from each M.P.O. to vote in the absence of the representative.  
 2553 Members of the council do not receive any compensation for their  
 2554 services, but may be reimbursed from funds made available to  
 2555 council members for travel and per diem expenses incurred in the  
 2556 performance of their council duties as provided in s. 112.061.

2557 (c) The powers and duties of the Metropolitan Planning  
 2558 Organization Advisory Council are to:

2559 1. Enter into contracts with individuals, private  
 2560 corporations, and public agencies.

2561 2. Acquire, own, operate, maintain, sell, or lease  
 2562 personal property essential for the conduct of business.

2563 3. Accept funds, grants, assistance, gifts, or bequests  
 2564 from private, local, state, or federal sources.

2565 4. Establish bylaws and adopt rules pursuant to ss.  
 2566 120.536(1) and 120.54 to implement provisions of law conferring  
 2567 powers or duties upon it.

2568 5. Assist M.P.O.'s in carrying out the urbanized area  
 2569 transportation planning process by serving as the principal  
 2570 forum for collective policy discussion pursuant to law.

2571 6. Serve as a clearinghouse for review and comment by  
 2572 M.P.O.'s on the Florida Transportation Plan and on other issues

2573 required to comply with federal or state law in carrying out the  
 2574 urbanized area transportation and systematic planning processes  
 2575 instituted pursuant to s. 339.155.

2576 7. Employ an executive director and such other staff as  
 2577 necessary to perform adequately the functions of the council,  
 2578 within budgetary limitations. The executive director and staff  
 2579 are exempt from part II of chapter 110 and serve at the  
 2580 direction and control of the council. The council is assigned to  
 2581 the Office of the Secretary of the Department of Transportation  
 2582 for fiscal and accountability purposes, but it shall otherwise  
 2583 function independently of the control and direction of the  
 2584 department.

2585 8. Adopt an agency strategic plan that provides the  
 2586 priority directions the agency will take to carry out its  
 2587 mission within the context of the state comprehensive plan and  
 2588 any other statutory mandates and directions given to the agency.

2589 (12)~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by  
 2590 an agency of the Federal Government that any provision of this  
 2591 section conflicts with federal laws or regulations, such federal  
 2592 laws or regulations will take precedence to the extent of the  
 2593 conflict until such conflict is resolved. The department or an  
 2594 M.P.O. may take any necessary action to comply with such federal  
 2595 laws and regulations or to continue to remain eligible to  
 2596 receive federal funds.

2597 (13)~~(12)~~ VOTING REQUIREMENTS.--Each long-range  
 2598 transportation plan required pursuant to subsection (7) ~~(6)~~,  
 2599 each annually updated Transportation Improvement Program  
 2600 required under subsection (8) ~~(7)~~, and each amendment that

2601 affects projects in the first 3 years of such plans and programs  
 2602 must be approved by each M.P.O. on a recorded roll call vote, or  
 2603 hand-counted vote, of a majority of the membership present.

2604 Section 32. Subsection (2) of section 339.2819, Florida  
 2605 Statutes, is amended to read:

2606 339.2819 Transportation Regional Incentive Program.--

2607 (2) The percentage of matching funds provided from the  
 2608 Transportation Regional Incentive Program shall be 50 percent of  
 2609 project costs, ~~or up to 50 percent of the nonfederal share of~~  
 2610 ~~the eligible project cost for a public transportation facility~~  
 2611 ~~project.~~

2612 Section 33. Section 339.282, Florida Statutes, is created  
 2613 to read:

2614 339.282 Transportation concurrency incentives.--The  
 2615 Legislature finds that allowing private-sector entities to  
 2616 finance, construct, and improve public transportation facilities  
 2617 can provide significant benefits to the citizens of this state  
 2618 by facilitating transportation of the general public without the  
 2619 need for additional public tax revenues. In order to encourage  
 2620 the more efficient and proactive provision of transportation  
 2621 improvements by the private sector, if a developer or property  
 2622 owner voluntarily contributes right-of-way and physically  
 2623 constructs or expands a state transportation facility or segment  
 2624 and such construction or expansion improves traffic flow,  
 2625 capacity, or safety, the voluntary contribution may be applied  
 2626 as a credit for that property owner or developer against any  
 2627 future transportation concurrency requirement pursuant to  
 2628 chapter 163, provided such contributions and credits are set

2629 forth in a legally binding agreement executed by the property  
 2630 owner or developer, the local government within whose  
 2631 jurisdiction the facility is located, and the department. If the  
 2632 developer or property owner voluntarily contributes right-of-way  
 2633 and physically constructs or expands a local government facility  
 2634 or segment and such construction or expansion meets the  
 2635 requirements in this section and in a legally binding agreement  
 2636 between the property owner or developer and the applicable local  
 2637 government, the contribution to the local government collector  
 2638 and the arterial system may be applied as credit against any  
 2639 future transportation concurrency requirements within the  
 2640 jurisdiction pursuant to chapter 163.

2641 Section 34. Subsection (4) of section 339.55, Florida  
 2642 Statutes, is amended, and paragraph (c) is added to subsection  
 2643 (2) and paragraph (j) is added to subsection (7) of that  
 2644 section, to read:

2645 339.55 State-funded infrastructure bank.--

2646 (2) The bank may lend capital costs or provide credit  
 2647 enhancements for:

2648 (c)1. Emergency loans for damages incurred to public-use  
 2649 commercial deepwater seaports, public-use airports, and other  
 2650 public-use transit and intermodal facilities that are within an  
 2651 area that is part of an official state declaration of emergency  
 2652 pursuant to chapter 252 and all other applicable laws. Such  
 2653 loans:

2654 a. May not exceed 24 months in duration except in extreme  
 2655 circumstances, for which the Secretary of Transportation may  
 2656 grant up to 36 months upon making written findings specifying

CS/CS/HB 985

2007

2657 the conditions requiring a 36-month term.

2658 b. Require application from the recipient to the  
2659 department that includes documentation of damage claims filed  
2660 with the Federal Emergency Management Agency or an applicable  
2661 insurance carrier and documentation of the recipient's overall  
2662 financial condition.

2663 c. Are subject to approval by the Secretary of  
2664 Transportation and the Legislative Budget Commission.

2665 2. Loans provided under this paragraph must be repaid upon  
2666 receipt by the recipient of eligible program funding for damages  
2667 in accordance with the claims filed with the Federal Emergency  
2668 Management Agency or an applicable insurance carrier, but no  
2669 later than the duration of the loan.

2670 (4) Loans from the bank may bear interest at or below  
2671 market interest rates, as determined by the department.  
2672 Repayment of any loan from the bank shall commence not later  
2673 than 5 years after the project has been completed or, in the  
2674 case of a highway project, the facility has opened to traffic,  
2675 whichever is later, and shall be repaid in no more than 30  
2676 years, except for loans provided under paragraph (2)(c), which  
2677 shall be repaid in no more than 36 months.

2678 (7) The department may consider, but is not limited to,  
2679 the following criteria for evaluation of projects for assistance  
2680 from the bank:

2681 (j) The extent to which damage from a disaster that  
2682 results in a declaration of emergency has impacted a public  
2683 transportation facility's ability to maintain its previous level  
2684 of service and remain accessible to the public or has had a



2685 major impact on the cash flow or revenue-generation ability of  
 2686 the public-use facility.

2687 Section 35. Subsection (2) of section 341.071, Florida  
 2688 Statutes, is amended to read:

2689 341.071 Transit productivity and performance measures;  
 2690 reports.--

2691 (2) Each public transit provider shall establish  
 2692 productivity and performance measures, which must be approved by  
 2693 the department and which must be selected from measures  
 2694 developed pursuant to s. 341.041(3). Each provider shall, by  
 2695 January 31 of each year, report ~~annually~~ to the department  
 2696 relative to these measures. In approving these measures, the  
 2697 department shall give consideration to the goals and objectives  
 2698 of each system, the needs of the local area, and the role for  
 2699 public transit in the local area. The report shall also  
 2700 specifically address potential enhancements to productivity and  
 2701 performance which would have the effect of increasing farebox  
 2702 recovery ratio.

2703 Section 36. Paragraph (a) of subsection (2) of section  
 2704 343.81, Florida Statutes, is amended to read:

2705 343.81 Northwest Florida Transportation Corridor  
 2706 Authority.--

2707 (2) (a) The governing body of the authority shall consist  
 2708 of eight voting members, one each from Escambia, Santa Rosa,  
 2709 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,  
 2710 appointed by the Governor to a 4-year term. The appointees shall  
 2711 be residents of their respective counties and may not hold an  
 2712 elected office. Upon the effective date of his or her

CS/CS/HB 985

2007

2713 appointment, or as soon thereafter as practicable, each  
2714 appointed member of the authority shall enter upon his or her  
2715 duties. Each appointed member shall hold office until his or her  
2716 successor has been appointed and has qualified. A vacancy  
2717 occurring during a term shall be filled only for the balance of  
2718 the unexpired term. Any member of the authority shall be  
2719 eligible for reappointment. Members of the authority may be  
2720 removed from office by the Governor for misconduct, malfeasance,  
2721 misfeasance, or nonfeasance in office.

2722 Section 37. The amendments made by this act to s. 343.81,  
2723 Florida Statutes, prohibiting the appointment of a person  
2724 holding an elected office to the Northwest Florida  
2725 Transportation Corridor Authority shall not prohibit any member  
2726 appointed prior to the effective date of this act from  
2727 completing his or her current term, and the prohibition shall  
2728 apply only to members appointed after the effective date of this  
2729 act and shall not preclude the reappointment of any existing  
2730 members.

2731 Section 38. Subsection (2) of section 343.82, Florida  
2732 Statutes, is amended to read:

2733 343.82 Purposes and powers.--

2734 (2) (a) The authority is authorized to construct any feeder  
2735 roads, reliever roads, connector roads, bypasses, or appurtenant  
2736 facilities that are intended to improve mobility along the U.S.  
2737 98 corridor. The transportation improvement projects may also  
2738 include all necessary approaches, roads, bridges, and avenues of  
2739 access that are desirable and proper with the concurrence, where  
2740 applicable, of the department if the project is to be part of

CS/CS/HB 985

2007

2741 the State Highway System or the respective county or municipal  
 2742 governing boards. Any transportation facilities constructed by  
 2743 the authority may be tolled.

2744 (b) Notwithstanding any special act to the contrary, the  
 2745 authority shall plan for and study the feasibility of  
 2746 constructing, operating, and maintaining a bridge or bridges  
 2747 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and  
 2748 access roads to such bridge or bridges, including studying the  
 2749 environmental and economic feasibility of such bridge or  
 2750 bridges and access roads, and such other transportation  
 2751 facilities that become part of such bridge system. The authority  
 2752 may construct, operate, and maintain the bridge system if the  
 2753 authority determines that the bridge system project is feasible  
 2754 and consistent with the authority's primary purpose and master  
 2755 plan.

2756 Section 39. Subsection (9) of section 348.0004, Florida  
 2757 Statutes, is amended to read:

2758 348.0004 Purposes and powers.--

2759 (9) The Legislature declares that there is a public need  
 2760 for rapid construction of safe and efficient transportation  
 2761 facilities for travel within the state and that it is in the  
 2762 public's interest to provide for public-private partnership  
 2763 agreements to effectuate the construction of additional safe,  
 2764 convenient, and economical transportation facilities.

2765 (a) Notwithstanding any other provision of the Florida  
 2766 Expressway Authority Act, any expressway authority,  
 2767 transportation authority, bridge authority, or toll authority  
 2768 established under this part or any other statute may receive or

2769 solicit proposals and enter into agreements with private  
 2770 entities, or consortia thereof, for the building, operation,  
 2771 ownership, or financing of ~~expressway~~ authority transportation  
 2772 facilities or new transportation facilities within the  
 2773 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~  
 2774 authority is authorized to adopt rules to implement this  
 2775 subsection and shall, by rule, establish an application fee for  
 2776 the submission of unsolicited proposals under this subsection.  
 2777 The fee must be sufficient to pay the costs of evaluating the  
 2778 proposals. An ~~expressway~~ authority may engage private  
 2779 consultants to assist in the evaluation. Before approval, an  
 2780 ~~expressway~~ authority must determine that a proposed project:  
 2781       1. Is in the public's best interest.  
 2782       2. Would not require state funds to be used unless the  
 2783 project is on or provides increased mobility on the State  
 2784 Highway System.  
 2785       3. Would have adequate safeguards to ensure that no  
 2786 additional costs or service disruptions would be realized by the  
 2787 traveling public and residents ~~citizens~~ of the state in the  
 2788 event of default or the cancellation of the agreement by the  
 2789 ~~expressway~~ authority.  
 2790       (b) An ~~expressway~~ authority shall ensure that all  
 2791 reasonable costs to the state which are, related to  
 2792 transportation facilities that are not part of the State Highway  
 2793 System, are borne by the private entity. An ~~expressway~~ authority  
 2794 shall also ensure that all reasonable costs to the state and  
 2795 substantially affected local governments and utilities related  
 2796 to the private transportation facility are borne by the private

2797 entity for transportation facilities that are owned by private  
2798 entities. For projects on the State Highway System, the  
2799 department may use state resources to participate in funding and  
2800 financing the project as provided for under the department's  
2801 enabling legislation.

2802 (c) The ~~expressway~~ authority may request proposals for  
2803 public-private transportation projects or, if it receives an  
2804 unsolicited proposal, it must publish a notice in the Florida  
2805 Administrative Weekly and a newspaper of general circulation in  
2806 the county in which it is located at least once a week for 2  
2807 weeks, stating that it has received the proposal and will  
2808 accept, for 60 days after the initial date of publication, other  
2809 proposals for the same project purpose. A copy of the notice  
2810 must be mailed to each local government in the affected areas.  
2811 After the public notification period has expired, the ~~expressway~~  
2812 authority shall rank the proposals in order of preference. In  
2813 ranking the proposals, the ~~expressway~~ authority shall consider  
2814 professional qualifications, general business terms, innovative  
2815 engineering or cost-reduction terms, finance plans, and the need  
2816 for state funds to deliver the proposal. If the ~~expressway~~  
2817 authority is not satisfied with the results of the negotiations,  
2818 it may, at its sole discretion, terminate negotiations with the  
2819 proposer. If these negotiations are unsuccessful, the ~~expressway~~  
2820 authority may go to the second and lower-ranked firms, in order,  
2821 using the same procedure. If only one proposal is received, the  
2822 ~~expressway~~ authority may negotiate in good faith, and if it is  
2823 not satisfied with the results, it may, at its sole discretion,  
2824 terminate negotiations with the proposer. Notwithstanding this

2825 paragraph, the ~~expressway~~ authority may, at its discretion,  
 2826 reject all proposals at any point in the process up to  
 2827 completion of a contract with the proposer.

2828 (d) The department may lend funds from the Toll Facilities  
 2829 Revolving Trust Fund, as outlined in s. 338.251, to public-  
 2830 private partnerships. To be eligible, a private entity must  
 2831 comply with s. 338.251 and must provide an indication from a  
 2832 nationally recognized rating agency that the senior bonds for  
 2833 the project will be investment grade or must provide credit  
 2834 support, such as a letter of credit or other means acceptable to  
 2835 the department, to ensure that the loans will be fully repaid.

2836 (e) Agreements entered into pursuant to this subsection  
 2837 may authorize the public-private entity to impose tolls or fares  
 2838 for the use of the facility. However, the amount and use of toll  
 2839 or fare revenues shall be regulated by the ~~expressway~~ authority  
 2840 to avoid unreasonable costs to users of the facility.

2841 (f) Agreements entered into pursuant to this section may  
 2842 lease existing toll facilities through public-private  
 2843 partnerships. If the agreement for leasing an existing toll  
 2844 facility does not include provisions for additional capacity,  
 2845 the project and the provisions of the agreement must be approved  
 2846 by the Florida Transportation Commission.

2847 (g)~~(f)~~ Each public-private transportation facility  
 2848 constructed pursuant to this subsection shall comply with all  
 2849 requirements of federal, state, and local laws; state, regional,  
 2850 and local comprehensive plans; the ~~expressway~~ authority's rules,  
 2851 policies, procedures, and standards for transportation  
 2852 facilities; and any other conditions that the ~~expressway~~

2853 authority determines to be in the public's best interest.

2854 (h)~~(g)~~ An ~~expressway~~ authority may exercise any power  
 2855 possessed by it, including eminent domain, to facilitate the  
 2856 development and construction of transportation projects pursuant  
 2857 to this subsection. An ~~expressway~~ authority may pay all or part  
 2858 of the cost of operating and maintaining the facility or may  
 2859 provide services to the private entity for which it receives  
 2860 full or partial reimbursement for services rendered.

2861 (i)~~(h)~~ Except as herein provided, this subsection is not  
 2862 intended to amend existing laws by granting additional powers to  
 2863 or further restricting the governmental entities from regulating  
 2864 and entering into cooperative arrangements with the private  
 2865 sector for the planning, construction, and operation of  
 2866 transportation facilities. Use of the powers granted in this  
 2867 subsection may not subject a statutorily created expressway  
 2868 authority, transportation authority, bridge authority, or toll  
 2869 authority, other than one statutorily created under this part,  
 2870 to any of the requirements of this part other than those  
 2871 contained in this subsection.

2872 Section 40. Section 348.0012, Florida Statutes, is amended  
 2873 to read:

2874 348.0012 Exemptions from applicability.--The Florida  
 2875 Expressway Authority Act does not apply:

2876 (1) In a county in which an expressway authority has been  
 2877 created pursuant to parts II-IX of this chapter, except as  
 2878 expressly provided in this part; or

2879 (2) To a transportation authority created pursuant to  
 2880 chapter 349.

2881 Section 41. Paragraph (1) of subsection (2) of section  
 2882 348.243, Florida Statutes, is amended to read:

2883 348.243 Purposes and powers.--

2884 (2) The authority is granted, and shall have and may  
 2885 exercise, all powers necessary, appurtenant, convenient, or  
 2886 incidental to the carrying out of the aforesaid purposes,  
 2887 including, but not limited to, the following rights and powers:

2888 (1) To enter into an agreement to sell, transfer, and  
 2889 dispose of all property of the Sawgrass Expressway, whether  
 2890 real, personal, or mixed, tangible or intangible, to the  
 2891 Department of Transportation as part of the Turnpike System in  
 2892 accordance with s. 338.2275~~(3)(4)~~.

2893 Section 42. Subsection (6) is added to section 348.754,  
 2894 Florida Statutes, to read:

2895 348.754 Purposes and powers.--

2896 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange  
 2897 County Expressway Authority may waive payment and performance  
 2898 bonds on construction contracts for the construction of a public  
 2899 building, for the prosecution and completion of a public work,  
 2900 or for repairs on a public building or public work that has a  
 2901 cost of \$500,000 or less and when the project is awarded  
 2902 pursuant to an economic development program for the  
 2903 encouragement of local small businesses that has been adopted by  
 2904 the governing body of the Orlando-Orange County Expressway  
 2905 Authority pursuant to a resolution or policy.

2906 (b) The authority's adopted criteria for participation in  
 2907 the economic development program for local small businesses  
 2908 shall require that a participant:



- 2909        1. Be an independent business.
- 2910        2. Be principally domiciled in the Orange County Standard
- 2911 Metropolitan Statistical Area.
- 2912        3. Employ 25 or fewer full-time employees.
- 2913        4. Have gross annual sales averaging \$3 million or less
- 2914 over the immediately preceding 3 calendar years with regard to
- 2915 any construction element of the program.
- 2916        5. Be accepted as a participant in the Orlando-Orange
- 2917 County Expressway Authority's microcontracts program or such
- 2918 other small business program as may be hereinafter enacted by
- 2919 the Orlando-Orange County Expressway Authority.
- 2920        6. Participate in an educational curriculum or technical
- 2921 assistance program for business development that will assist the
- 2922 small business in becoming eligible for bonding.
- 2923        (c) The authority's adopted procedures for waiving payment
- 2924 and performance bonds on projects with values not less than
- 2925 \$200,000 and not exceeding \$500,000 shall provide that payment
- 2926 and performance bonds may only be waived on projects that have
- 2927 been set aside to be competitively bid on by participants in an
- 2928 economic development program for local small businesses. The
- 2929 authority's executive director or his or her designee shall
- 2930 determine whether specific construction projects are suitable
- 2931 for:
- 2932        1. Bidding under the authority's microcontracts program by
- 2933 registered local small businesses; and
- 2934        2. Waiver of the payment and performance bond.
- 2935
- 2936 The decision of the authority's executive director or deputy

2937 executive director to waive the payment and performance bond  
2938 shall be based upon his or her investigation and conclusion that  
2939 there exists sufficient competition so that the authority  
2940 receives a fair price and does not undertake any unusual risk  
2941 with respect to such project.

2942 (d) For any contract for which a payment and performance  
2943 bond has been waived pursuant to the authority set forth in this  
2944 section, the Orlando-Orange County Expressway Authority shall  
2945 pay all persons defined in s. 713.01 who furnish labor,  
2946 services, or materials for the prosecution of the work provided  
2947 for in the contract to the same extent and upon the same  
2948 conditions that a surety on the payment bond under s. 255.05  
2949 would have been obligated to pay such persons if the payment and  
2950 performance bond had not been waived. The authority shall record  
2951 notice of this obligation in the manner and location that surety  
2952 bonds are recorded. The notice shall include the information  
2953 describing the contract that s. 255.05(1) requires be stated on  
2954 the front page of the bond. Notwithstanding that s. 255.05(9)  
2955 generally applies when a performance and payment bond is  
2956 required, s. 255.05(9) shall apply under this subsection to any  
2957 contract on which performance or payment bonds are waived and  
2958 any claim to payment under this subsection shall be treated as a  
2959 contract claim pursuant to s. 255.05(9).

2960 (e) A small business that has been the successful bidder  
2961 on six projects for which the payment and performance bond was  
2962 waived by the authority pursuant to paragraph (a) shall be  
2963 ineligible to bid on additional projects for which the payment  
2964 and performance bond is to be waived. The local small business

2965 may continue to participate in other elements of the economic  
 2966 development program for local small businesses as long as it is  
 2967 eligible.

2968 (f) The authority shall conduct bond eligibility training  
 2969 for businesses qualifying for bond waiver under this subsection  
 2970 to encourage and promote bond eligibility for such businesses.

2971 (g) The authority shall prepare a biennial report on the  
 2972 activities undertaken pursuant to this subsection to be  
 2973 submitted to the Orange County legislative delegation. The  
 2974 initial report shall be due December 31, 2010.

2975 Section 43. Paragraph (a) of subsection (3) of section  
 2976 163.3177, Florida Statutes, is amended to read:

2977 163.3177 Required and optional elements of comprehensive  
 2978 plan; studies and surveys.--

2979 (3)(a) The comprehensive plan shall contain a capital  
 2980 improvements element designed to consider the need for and the  
 2981 location of public facilities in order to encourage the  
 2982 efficient utilization of such facilities and set forth:

2983 1. A component which outlines principles for construction,  
 2984 extension, or increase in capacity of public facilities, as well  
 2985 as a component which outlines principles for correcting existing  
 2986 public facility deficiencies, which are necessary to implement  
 2987 the comprehensive plan. The components shall cover at least a 5-  
 2988 year period.

2989 2. Estimated public facility costs, including a  
 2990 delineation of when facilities will be needed, the general  
 2991 location of the facilities, and projected revenue sources to  
 2992 fund the facilities.

2993           3. Standards to ensure the availability of public  
 2994 facilities and the adequacy of those facilities including  
 2995 acceptable levels of service.

2996           4. Standards for the management of debt.

2997           5. A schedule of capital improvements which includes  
 2998 publicly funded projects, and which may include privately funded  
 2999 projects for which the local government has no fiscal  
 3000 responsibility, necessary to ensure that adopted level-of-  
 3001 service standards are achieved and maintained. For capital  
 3002 improvements that will be funded by the developer, financial  
 3003 feasibility shall be demonstrated by being guaranteed in an  
 3004 enforceable development agreement or interlocal agreement  
 3005 pursuant to paragraph (10) (h), or other enforceable agreement.  
 3006 These development agreements and interlocal agreements shall be  
 3007 reflected in the schedule of capital improvements if the capital  
 3008 improvement is necessary to serve development within the 5-year  
 3009 schedule. If the local government uses planned revenue sources  
 3010 that require referenda or other actions to secure the revenue  
 3011 source, the plan must, in the event the referenda are not passed  
 3012 or actions do not secure the planned revenue source, identify  
 3013 other existing revenue sources that will be used to fund the  
 3014 capital projects or otherwise amend the plan to ensure financial  
 3015 feasibility.

3016           6. The schedule must include transportation improvements  
 3017 included in the applicable metropolitan planning organization's  
 3018 transportation improvement program adopted pursuant to s.  
 3019 339.175 (8) ~~(7)~~ to the extent that such improvements are relied  
 3020 upon to ensure concurrency and financial feasibility. The

CS/CS/HB 985

2007

3021 schedule must also be coordinated with the applicable  
 3022 metropolitan planning organization's long-range transportation  
 3023 plan adopted pursuant to s. 339.175 (7) ~~(6)~~.

3024 Section 44. Section 339.176, Florida Statutes, is amended  
 3025 to read:

3026 339.176 Voting membership for M.P.O. with boundaries  
 3027 including certain counties.--In addition to the voting  
 3028 membership established by s. 339.175 (3) ~~(2)~~ and notwithstanding  
 3029 any other provision of law to the contrary, the voting  
 3030 membership of any Metropolitan Planning Organization whose  
 3031 geographical boundaries include any county as defined in s.  
 3032 125.011(1) must include an additional voting member appointed by  
 3033 that city's governing body for each city with a population of  
 3034 50,000 or more residents.

3035 Section 45. Subsection (1) of section 341.828, Florida  
 3036 Statutes, is amended to read:

3037 341.828 Permitting.--

3038 (1) The authority, for the purposes of permitting, may  
 3039 utilize one or more permitting processes provided for in  
 3040 statute, including, but not limited to, the metropolitan  
 3041 planning organization long-range transportation planning process  
 3042 as defined in s. 339.175 ~~(6)~~ and (7) and (8), in conjunction with  
 3043 the Department of Transportation's work program process as  
 3044 defined in s. 339.135, or any permitting process now in effect  
 3045 or that may be in effect at the time of permitting and will  
 3046 provide the most timely and cost-effective permitting process.

3047 Section 46. Section 334.30, Florida Statutes, is amended  
 3048 to read:

3049           334.30 Public-private transportation facilities.--The  
 3050 Legislature hereby finds and declares that there is a public  
 3051 need for rapid construction of safe and efficient transportation  
 3052 facilities for the purpose of travel within the state. It is the  
 3053 intent of the Legislature to strengthen the state's  
 3054 transportation system by providing the department with  
 3055 innovative financing techniques, including, but not limited to,  
 3056 public-private partnerships, toll facility leases, and user  
 3057 fees. In response to increased congestion, population, and  
 3058 market demands, and that it is in the public's interest to  
 3059 provide for the construction of additional safe, convenient, and  
 3060 economical transportation facilities.

3061           (1) The department may receive or solicit proposals and,  
 3062 with legislative approval as evidenced by approval of the  
 3063 project in the department's work program, enter into agreements  
 3064 with private entities, or consortia thereof, for the building,  
 3065 operation, ownership, or financing of transportation facilities.  
 3066 The department may advance projects programmed in the adopted 5-  
 3067 year work program or projects greater than \$500 million in the  
 3068 10-year Strategic Intermodal System Plan using funds provided by  
 3069 public-private partnerships or private entities to be reimbursed  
 3070 from department funds for the project as programmed in the  
 3071 adopted work program. The department shall by rule establish an  
 3072 application fee for the submission of unsolicited proposals  
 3073 under this section. The fee must be sufficient to pay the costs  
 3074 of evaluating the proposals. The department may engage the  
 3075 services of private consultants to assist in the evaluation.  
 3076 Before approval, the department must determine that the proposed

3077 project:

3078 (a) Is in the public's best interest;

3079 (b) Would not require state funds to be used unless the  
3080 project is on the State Highway System; and

3081 (c) Would have adequate safeguards in place to ensure that  
3082 no additional costs or service disruptions would be realized by  
3083 the traveling public and citizens of the state in the event of  
3084 default or cancellation of the agreement by the department.

3085

3086 The department shall ensure that all reasonable costs to the  
3087 state, related to transportation facilities that are not part of  
3088 the State Highway System, are borne by the private entity. The  
3089 department shall also ensure that all reasonable costs to the  
3090 state and substantially affected local governments and  
3091 utilities, related to the private transportation facility, are  
3092 borne by the private entity for transportation facilities that  
3093 are owned by private entities. For projects on the State Highway  
3094 System, the department may use state resources to participate in  
3095 funding and financing the project as provided for under the  
3096 department's enabling legislation.

3097 (2) Agreements entered into pursuant to this section may  
3098 authorize the private entity to impose tolls or fares for the  
3099 use of the facility. The following provisions shall apply to  
3100 such agreements: ~~However, the amount and use of toll or fare~~  
3101 ~~revenues shall be regulated by the department to avoid~~  
3102 ~~unreasonable costs to users of the facility.~~

3103 (a) With the exception of the Florida Turnpike System, the  
3104 department may lease existing toll facilities through public-

3105 private partnerships. If the agreement for leasing an existing  
3106 toll facility does not include provisions for additional  
3107 capacity, the project and the provisions of the agreement must  
3108 be approved by the Legislature. The public-private partnership  
3109 agreement must ensure that the toll facility is properly  
3110 operated, maintained, and renewed in accordance with department  
3111 standards.

3112 (b) The department may develop new toll facilities or  
3113 increase capacity on existing toll facilities through public-  
3114 private partnerships. The public-private partnership agreement  
3115 must ensure that the toll facility is properly operated,  
3116 maintained, and renewed in accordance with department standards.

3117 (c) The amount of toll or fare revenues shall be regulated  
3118 by the department pursuant to s. 338.165(3). The regulations  
3119 governing the future increase of toll or fare revenues shall be  
3120 included in the public-private partnership agreement.

3121 (d) The department shall include provisions in the public-  
3122 private partnership agreement that ensure a negotiated portion  
3123 of revenues from tolled projects are returned to the department  
3124 over the life of the public-private partnership agreement. In  
3125 the case of a lease of an existing toll facility, the department  
3126 shall receive a portion of funds upon closing on the agreements  
3127 and shall also include provisions in the agreement to receive  
3128 payment of a negotiated portion of revenues over the life of the  
3129 public-private partnership.

3130 (e) The private entity shall provide an investment grade  
3131 traffic and revenue study prepared by an internationally  
3132 recognized traffic and revenue expert that is accepted by the



3133 national bond rating agencies. The private entity shall also  
3134 provide a finance plan that identifies the project cost,  
3135 revenues by source, financing, major assumptions, internal rate  
3136 of return on private investments, and whether any government  
3137 funds are assumed to deliver a cost feasible project, and a  
3138 total cash flow analysis beginning with implementation of the  
3139 project and extending for the term of the agreement. The amount  
3140 of the toll or fares included in the provisions of agreements  
3141 under this section shall be consistent with projections included  
3142 in the study, plan, and analysis provided under this paragraph.  
3143 Specific elements to be described shall include, but are not  
3144 limited to, the following:

3145 1. The estimate of ridership and a forecast of annual toll  
3146 revenues. The method of producing the estimates shall be  
3147 described in sufficient detail to allow the projections to be  
3148 verified. Assumptions used in the process shall be clearly  
3149 indicated.

3150 2. Forecasts shall be provided of any additional sources  
3151 of revenue anticipated from the proposed facility with clearly  
3152 stated assumptions and data and methods used to develop the  
3153 forecasts. Sources for revenue might include the receipts from  
3154 advertising, station concessions, royalties, and licenses.

3155 3. The amount of associated real estate development and  
3156 supplemental revenue sources that will be used to supplement  
3157 operations.

3158 4. If subsidies will be required in the early years of a  
3159 facility's operation, the source, amount, how they are to be  
3160 used, and the years in which they will be needed shall be

3161 specified. Appropriate contact information and supporting  
 3162 documentation must be provided for each type of fund source for  
 3163 analysis and review by the department.

3164 (3) Each private transportation facility constructed  
 3165 pursuant to this section shall comply with all requirements of  
 3166 federal, state, and local laws; state, regional, and local  
 3167 comprehensive plans; department rules, policies, procedures, and  
 3168 standards for transportation facilities; and any other  
 3169 conditions which the department determines to be in the public's  
 3170 best interest.

3171 (4) The department may exercise any power possessed by it,  
 3172 including eminent domain, with respect to the development and  
 3173 construction of state transportation projects to facilitate the  
 3174 development and construction of transportation projects pursuant  
 3175 to this section. The department may provide services to the  
 3176 private entity. Agreements for maintenance, law enforcement, and  
 3177 other services entered into pursuant to this section shall  
 3178 provide for full reimbursement for services rendered for  
 3179 projects not on the State Highway System.

3180 (5) Except as herein provided, the provisions of this  
 3181 section are not intended to amend existing laws by granting  
 3182 additional powers to, or further restricting, local governmental  
 3183 entities from regulating and entering into cooperative  
 3184 arrangements with the private sector for the planning,  
 3185 construction, and operation of transportation facilities.

3186 (6) The procurement of public-private partnerships by the  
 3187 department shall follow the provisions of this section. Sections  
 3188 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,

3189 337.185, 337.19, 337.221, and 337.251 shall not apply to  
 3190 procurements under this section unless a provision is included  
 3191 in the procurement documents. The department shall ensure that  
 3192 generally accepted business practices for exemptions provided by  
 3193 this subsection are part of the procurement process or are  
 3194 included in the public-private partnership agreement.

3195 (a) The department may request proposals from private  
 3196 entities for public-private transportation projects or, if the  
 3197 department receives an unsolicited proposal, the department  
 3198 shall publish a notice in the Florida Administrative Weekly and  
 3199 a newspaper of general circulation at least once a week for 2  
 3200 weeks stating that the department has received the proposal and  
 3201 will accept, for ~~120~~ 60 days after the initial date of  
 3202 publication, other proposals for the same project purpose. A  
 3203 copy of the notice must be mailed to each local government in  
 3204 the affected area.

3205 (b) Public-private partnerships shall be qualified by the  
 3206 department as part of the procurement process as outlined in the  
 3207 procurement documents, provided such process ensures that the  
 3208 private firm meets at least the minimum department standards for  
 3209 qualification in department rule for professional engineering  
 3210 services and road and bridge contracting prior to submitting a  
 3211 proposal under the procurement.

3212 (c) The department shall ensure that procurement documents  
 3213 include provisions for performance of the private entity and  
 3214 payment of subcontractors, including, but not limited to, surety  
 3215 bonds, letters of credit, parent company guarantees, and lender  
 3216 and equity partner guarantees. The department shall balance the

3217 structure of the security package for the public-private  
 3218 partnership that ensures performance and payment of  
 3219 subcontractors with the cost of the security to ensure the most  
 3220 efficient pricing.

3221 (d) After the public notification period has expired, the  
 3222 department shall rank the proposals in order of preference. In  
 3223 ranking the proposals, the department may consider factors that  
 3224 include, ~~including~~, but are not limited to, professional  
 3225 qualifications, general business terms, innovative engineering  
 3226 or cost-reduction terms, finance plans, and the need for state  
 3227 funds to deliver the project. If the department is not satisfied  
 3228 with the results of the negotiations, the department may, at its  
 3229 sole discretion, terminate negotiations with the proposer. If  
 3230 these negotiations are unsuccessful, the department may go to  
 3231 the second-ranked and lower-ranked firms, in order, using this  
 3232 same procedure. If only one proposal is received, the department  
 3233 may negotiate in good faith and, if the department is not  
 3234 satisfied with the results of the negotiations, the department  
 3235 may, at its sole discretion, terminate negotiations with the  
 3236 proposer. Notwithstanding this subsection, the department may,  
 3237 at its discretion, reject all proposals at any point in the  
 3238 process up to completion of a contract with the proposer.

3239 (e) The department shall perform a cost-benefit, value-  
 3240 for-money analysis of the proposed public-private partnership  
 3241 that demonstrates the cost-effectiveness and overall public  
 3242 benefit at the following times:

- 3243 1. Prior to moving forward with the procurement; and
- 3244 2. If the procurement moves forward, prior to awarding the

3245 contract.

3246 (7) The department may lend funds from the Toll Facilities  
 3247 Revolving Trust Fund, as outlined in s. 338.251, to private  
 3248 entities that construct projects on the State Highway System  
 3249 containing toll facilities that are approved under this section.  
 3250 To be eligible, a private entity must comply with s. 338.251 and  
 3251 must provide an indication from a nationally recognized rating  
 3252 agency that the senior bonds for the project will be investment  
 3253 grade, or must provide credit support such as a letter of credit  
 3254 or other means acceptable to the department, to ensure that the  
 3255 loans will be fully repaid. The state's liability for the  
 3256 funding of a facility is limited to the amount approved for that  
 3257 specific facility in the department's 5-year work program  
 3258 adopted pursuant to s. 339.135.

3259 (8) The department may use innovative finance techniques  
 3260 associated with a public-private partnership under this section,  
 3261 including, but not limited to, federal loans as provided in  
 3262 Title 23 and Title 49 of the Code of Federal Regulations,  
 3263 commercial bank loans, and hedges against inflation from  
 3264 commercial banks or other private sources.

3265 (9) The department may enter into public-private  
 3266 partnership agreements that include extended terms providing  
 3267 annual payments for performance based on the availability of  
 3268 service or the facility being open to traffic or based on the  
 3269 level of traffic using the facility. In addition to other  
 3270 provisions in this section, the following provisions shall  
 3271 apply:

3272 (a) The annual payments under such agreement shall be

3273 included in the department's tentative work program developed  
 3274 under s. 339.135 and the long-range transportation plan for the  
 3275 applicable metropolitan planning organization developed under s.  
 3276 339.175. The department shall ensure that annual payments on  
 3277 multiyear public-private partnership agreements are prioritized  
 3278 ahead of new capacity projects in the development and updating  
 3279 of the tentative work program.

3280 (b) The annual payments are subject to annual  
 3281 appropriation by the Legislature as provided in the General  
 3282 Appropriations Act in support of the first year of the tentative  
 3283 work program.

3284 (10) Prior to entering such agreement where funds are  
 3285 committed from the State Transportation Trust Fund, the project  
 3286 must be prioritized as follows:

3287 (a) The department, in coordination with the local  
 3288 metropolitan planning organization, shall prioritize projects  
 3289 included in the Strategic Intermodal System 10-year and long-  
 3290 range cost feasible plans.

3291 (b) The department, in coordination with the local  
 3292 metropolitan planning organization or local government where  
 3293 there is no metropolitan planning organization, shall prioritize  
 3294 projects, for facilities not on the Strategic Intermodal System,  
 3295 included in the metropolitan planning organization cost feasible  
 3296 transportation improvement plan and long-range transportation  
 3297 plan.

3298 (11) Public-private partnership agreements under this  
 3299 section shall be limited to a term not exceeding 50 years. Upon  
 3300 making written findings that an agreement under this section

3301 requires a term in excess of 50 years, the secretary of the  
3302 department may authorize a term of up to 75 years. Agreements  
3303 under this section shall not have a term in excess of 75 years  
3304 unless specifically approved by the Legislature. The department  
3305 shall identify each new project under this section with a term  
3306 exceeding 75 years in the transmittal letter that accompanies  
3307 the submittal of the tentative work program to the Governor and  
3308 the Legislature in accordance with s. 339.135.

3309 (12) The department shall ensure that no more than 25  
3310 percent of total federal and state funding in any given year for  
3311 the State Transportation Trust Fund shall be obligated  
3312 collectively for all projects under this section.

3313 (13) Notwithstanding s. 338.165, any revenues returned to  
3314 the department pursuant to a public-private partnership  
3315 agreement under this section shall be used for capacity projects  
3316 as follows:

3317 (a) If the revenue-producing project is on the State  
3318 Highway System, notwithstanding s. 339.135(4)(a), any revenues  
3319 returned to the department pursuant to a public-private  
3320 partnership agreement shall be used for capacity improvements of  
3321 the State Highway System or up to 50 percent of the project cost  
3322 on public transit capital improvements authorized under Title 49  
3323 of the United States Code and specified in s. 341.051.

3324 (b) If the revenue-producing project is on the county road  
3325 system, any revenues returned to the department pursuant to a  
3326 public-private partnership agreement shall be used for capacity  
3327 improvements of state or county roads or transit facilities  
3328 within the county or counties in which the revenue-producing

3329 project is located.

3330 ~~(8) A fixed guideway transportation system authorized by~~  
 3331 ~~the department to be wholly or partially within the department's~~  
 3332 ~~right of way pursuant to a lease granted under s. 337.251 may~~  
 3333 ~~operate at any safe speed.~~

3334 Section 47. Section 338.165, Florida Statutes, is amended  
 3335 to read:

3336 338.165 Continuation of tolls.--

3337 (1) The department, any transportation or expressway  
 3338 authority or, in the absence of an authority, a county or  
 3339 counties may continue to collect the toll on a revenue-producing  
 3340 project after the discharge of any bond indebtedness related to  
 3341 such project and may increase such toll. All tolls so collected  
 3342 shall first be used to pay the annual cost of the operation,  
 3343 maintenance, and improvement of the toll project.

3344 (2) If the revenue-producing project is on the State  
 3345 Highway System, any remaining toll revenue shall be used for the  
 3346 construction, maintenance, or improvement of any road on the  
 3347 State Highway System within the county or counties in which the  
 3348 revenue-producing project is located, ~~except as provided in s.~~  
 3349 ~~348.0004.~~

3350 (3) Notwithstanding any other provision of law, the  
 3351 department or any transportation or expressway authority shall,  
 3352 at a minimum, index toll rates on existing toll facilities to  
 3353 the annual Consumer Price Index or similar inflation indicators.  
 3354 Toll rate adjustments for inflation under this subsection may be  
 3355 made no more frequently than once a year and must be made no  
 3356 less frequently than once every 5 years as necessary to



3357 accommodate cash toll rate schedules. Toll rates may be  
3358 increased beyond these limits as directed by bond documents,  
3359 covenants, or governing body authorization or pursuant to  
3360 department administrative rule.

3361 (4)~~(3)~~ Notwithstanding any other law to the contrary,  
3362 pursuant to s. 11, Art. VII of the State Constitution, and  
3363 subject to the requirements of subsection (2), the Department of  
3364 Transportation may request the Division of Bond Finance to issue  
3365 bonds secured by toll revenues collected on the Alligator Alley,  
3366 the Sunshine Skyway Bridge, the Beeline-East Expressway, the  
3367 Navarre Bridge, and the Pinellas Bayway to fund transportation  
3368 projects located within the county or counties in which the  
3369 project is located and contained in the adopted work program of  
3370 the department.

3371 (5)~~(4)~~ If the revenue-producing project is on the county  
3372 road system, any remaining toll revenue shall be used for the  
3373 construction, maintenance, or improvement of any other state or  
3374 county road within the county or counties in which the revenue-  
3375 producing project is located, ~~except as provided in s. 348.0004.~~

3376 (6)~~(5)~~ Selection of projects on the State Highway System  
3377 for construction, maintenance, or improvement with toll revenues  
3378 shall be, with the concurrence of the department, consistent  
3379 with the Florida Transportation Plan.

3380 (7)~~(6)~~ Notwithstanding the provisions of subsection (1),  
3381 and not including high occupancy toll lanes or express lanes, no  
3382 tolls may be charged for use of an interstate highway where  
3383 tolls were not charged as of July 1, 1997.

3384 (8)~~(7)~~ With the exception of subsection (3), this section

3385 does not apply to the turnpike system as defined under the  
 3386 Florida Turnpike Enterprise Law.

3387 Section 48. (1) FLORIDA EXPRESSWAY AUTHORITY ACT  
 3388 REPEALED.--Part I of chapter 348, Florida Statutes, consisting  
 3389 of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005,  
 3390 348.0006, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, and  
 3391 348.0012, is repealed.

3392 (2) EXPRESSWAY AUTHORITIES ABOLISHED.--Any expressway  
 3393 authority created under part I of chapter 348, Florida Statutes,  
 3394 is abolished.

3395 (3) EXPRESSWAY AUTHORITIES; TRANSFERS AND OPERATIONS.--

3396 (a) All powers, duties, functions, records, personnel,  
 3397 property, and unexpended balances of allocations, trust funds,  
 3398 and other funds of an expressway authority abolished by this  
 3399 section are transferred to the Department of Transportation.

3400 (b) All legal authorities and actions of such expressway  
 3401 authority, including, but not limited to, all pending and  
 3402 completed action orders and rules, all enforcement matters, all  
 3403 delegations, all interagency agreements, and all contracts with  
 3404 federal, state, local, and regional governments and private  
 3405 entities are transferred to the Department of Transportation.

3406 (4) DISTRIBUTION OF TOLLS COLLECTED.--Notwithstanding s.  
 3407 339.135(4)(a)1., Florida Statutes, 100 percent of future toll  
 3408 revenues received from the corridors previously owned and  
 3409 operated by an expressway authority abolished by this section,  
 3410 less any operations and maintenance costs as determined by the  
 3411 Department of Transportation, shall be distributed to the county  
 3412 in which the toll was collected specifically for use on the

3413 corridor from which it was collected.

3414 Section 49. Subsection (27) is added to section 479.01,  
3415 Florida Statutes, to read:

3416 479.01 Definitions.--As used in this chapter, the term:

3417 (27) "Wall mural" means a sign that is a painting or an  
3418 artistic work composed of photographs or arrangements of color  
3419 and that displays a commercial or noncommercial message, relies  
3420 solely on the side of the building for rigid structural support,  
3421 and is painted on the building or depicted on vinyl, fabric, or  
3422 other similarly flexible material that is held in place flush or  
3423 flat against the surface of the building. The term excludes a  
3424 painting or work placed on a structure that is erected for the  
3425 sole or primary purpose of signage.

3426 Section 50. Section 479.156, Florida Statutes, is created  
3427 to read:

3428 479.156 Wall murals.--Notwithstanding any other provision  
3429 of this chapter, a municipality or county may permit and  
3430 regulate wall murals within areas designated by such government.  
3431 If a municipality or county permits wall murals, a wall mural  
3432 that displays a commercial message and is within 660 feet of the  
3433 nearest edge of the right-of-way within an area adjacent to the  
3434 interstate highway system or the federal-aid primary highway  
3435 system must be located in an area that is zoned for industrial  
3436 or commercial use, and the municipality or county shall  
3437 establish and enforce regulations for such areas that, at a  
3438 minimum, set forth criteria governing the size, lighting, and  
3439 spacing of wall murals consistent with the intent of the Highway  
3440 Beautification Act of 1965 and with customary use. A wall mural

3441 that is subject to municipal or county regulation and the  
 3442 Highway Beautification Act of 1965 must be approved by the  
 3443 Department of Transportation and the Federal Highway  
 3444 Administration and may not violate the agreement between the  
 3445 state and the United States Department of Transportation or  
 3446 violate federal regulations enforced by the Department of  
 3447 Transportation under s. 479.02(1).

3448 Section 51. Section 2 of chapter 89-383, Laws of Florida,  
 3449 is amended to read:

3450 Section 2. Red Road is hereby designated as a state  
 3451 historic highway. No public funds shall be expended for:

3452 (1) The removal of any healthy tree which is not a safety  
 3453 hazard.

3454 (2) Any alteration of the physical dimensions or location  
 3455 of Red Road, the median strip thereof, the land adjacent  
 3456 thereto, or any part of the original composition of the  
 3457 entranceway, including the towers, the walls, and the lampposts.

3458 (3) Any construction on or along Red Road of any new  
 3459 structure, or any building, clearing, filling, or excavating on  
 3460 or along Red Road except for routine maintenance or alterations,  
 3461 modifications, or improvements to it and the adjacent right-of-  
 3462 way made for the purpose of enhancing life safety for vehicular  
 3463 or pedestrian use of Red Road if the number of traffic lanes is  
 3464 not altered ~~work which is essential to the health, safety, or~~  
 3465 ~~welfare of the environment.~~

3466 Section 52. This act shall take effect July 1, 2007.