

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. 120.52, F.S.; excluding
10 expressway authorities under ch. 349, F.S., from the
11 definition of the term "agency" for certain purposes;
12 amending s. 349.03, F.S.; revising provisions for officers
13 and employees of the Jacksonville Transportation
14 Authority; amending s. 349.04, F.S.; providing for the
15 adoption of rules by the Jacksonville Transportation
16 Authority for certain purposes; amending s. 121.021, F.S.;
17 defining the term "metropolitan planning organization" for
18 purposes of the Florida Retirement System Act; revising
19 definitions to include M.P.O.'s and positions in M.P.O.'s;
20 amending s. 121.051, F.S.; providing for M.P.O.'s to
21 participate in the Florida Retirement System; amending s.
22 121.055, F.S.; requiring certain M.P.O. staff positions to
23 be in the Senior Management Service Class; amending s.
24 121.061, F.S.; providing for enforcement of certain
25 employer funding contributions required under the Florida
26 Retirement System; authorizing deductions of amounts owed
27 from certain funds distributed to an M.P.O.; authorizing
28 the governing body of an M.P.O. to file and maintain an

29 | action in court to require an employer to remit retirement
30 | or social security member contributions or employer
31 | matching payments; amending s. 121.081, F.S.; providing
32 | for M.P.O. officers and staff to claim credit for past
33 | service for retirement benefits; amending s. 212.055,
34 | F.S.; deleting a prohibition against local governments
35 | issuing certain bonds secured by revenues from local
36 | infrastructure taxes more than once a year; amending s.
37 | 215.615, F.S.; revising the Department of Transportation's
38 | requirement to share certain costs of fixed-guideway
39 | system projects; revising criteria for an interlocal
40 | agreement to establish bond financing for fixed-guideway
41 | system projects; revising provisions for sources of funds
42 | for the payment of bonds; amending s. 316.2123, F.S.;
43 | authorizing a county to designate certain unpaved roadways
44 | where an ATV may be operated; providing conditions for
45 | such operation; amending s. 316.605, F.S.; providing
46 | height and placement requirements for vehicle license
47 | plates; prohibiting display that obscures identification
48 | of the letters and numbers on a license plate; providing
49 | penalties; amending s. 316.650, F.S.; revising procedures
50 | for disposition of citations issued for failure to pay
51 | toll; providing that the citation will not be submitted to
52 | the court and no points will be assessed on the driver's
53 | license if the person cited elects to make payment
54 | directly to the governmental entity that issued the
55 | citation; providing for reporting of the citation by the
56 | governmental entity to the Department of Highway Safety

57 | and Motor Vehicles; amending s. 318.14, F.S.; providing
58 | for the amount required to be paid under certain
59 | procedures for disposition of a citation issued for
60 | failure to pay toll; providing for the person cited to
61 | request a court hearing; amending s. 318.18, F.S.;
62 | revising penalties for failure to pay a prescribed toll;
63 | providing for disposition of amounts received by the clerk
64 | of court; removing procedures for withholding of
65 | adjudication; providing for suspension of a driver's
66 | license under certain circumstances; revising authorized
67 | uses of revenue received by a county from a certain
68 | surcharge; revising penalty provisions to provide for
69 | certain criminal penalties; imposing a surcharge to be
70 | paid for specified traffic-related criminal offenses and
71 | all moving traffic violations; providing for distribution
72 | of the proceeds of the surcharge to be used for the state
73 | agency law enforcement radio system; providing for future
74 | expiration; amending s. 318.21, F.S.; revising
75 | distribution provisions to provide for distribution of the
76 | surcharge; providing for future expiration; amending s.
77 | 320.061, F.S.; prohibiting interfering with the
78 | legibility, angular visibility, or detectability of any
79 | feature or detail on a license plate or interfering with
80 | the ability to photograph or otherwise record any feature
81 | or detail on a license plate; providing penalties;
82 | amending s. 332.007, F.S.; authorizing the Department of
83 | Transportation to provide funds for certain general
84 | aviation projects under certain circumstances; extending

85 | the timeframe that the department is authorized to provide
86 | operational and maintenance assistance to certain airports
87 | and may redirect the use of certain funds to security-
88 | related or economic-impact projects related to the events
89 | of September 11, 2001; amending s. 332.14, F.S.; providing
90 | that certain members of the Secure Airports for Florida's
91 | Economy Council shall be nonvoting members; authorizing
92 | certain members to overrule certain actions of the
93 | council; amending s. 336.025, F.S.; deleting a prohibition
94 | against local governments issuing certain bonds secured by
95 | revenues from local option fuel taxes more than once a
96 | year; amending s. 336.41, F.S.; revising an exception to
97 | competitive-bid requirements for certain county road
98 | construction and reconstruction projects; increasing the
99 | value threshold under which the exception applies;
100 | defining the term "construction aggregate materials";
101 | providing legislative intent; prohibiting a local
102 | government from approving or denying a land use zoning
103 | change, comprehensive plan amendment, land use permit,
104 | ordinance, or order regarding construction aggregate
105 | materials without considering information provided by the
106 | Department of Transportation and considering the effect of
107 | such decision; prohibiting an agency from imposing a
108 | moratorium on the mining and extraction of construction
109 | aggregate materials of longer than a specified period;
110 | providing that limerock environmental resource permitting
111 | and reclamation applications are eligible to be expedited;
112 | establishing the Strategic Aggregates Review Task Force;

113 providing for membership, staffing, reporting, and
114 expiration; providing for support and the coordination of
115 data and information for the task force; requiring that
116 the task force report its findings to the Governor and the
117 Legislature; providing report requirements; providing for
118 the dissolution of the task force; creating s. 337.026,
119 F.S.; authorizing the Department of Transportation to
120 pursue innovative contractual or engineering techniques
121 relating to construction aggregate materials; authorizing
122 the department to enter into agreements for construction
123 aggregate materials; providing exceptions; providing
124 requirements for such exceptions; amending s. 337.11,
125 F.S.; providing that certain construction projects be
126 advertised for bids in local newspapers; amending s.
127 337.14, F.S.; authorizing the department to waive
128 specified prequalification requirements for certain
129 transportation projects under certain conditions; amending
130 s. 337.18, F.S.; revising surety bond requirements for
131 construction or maintenance contracts; providing for
132 incremental annual surety bonds for multiyear maintenance
133 contracts under certain conditions; revising the threshold
134 for transportation projects eligible for a waiver of
135 surety bond requirements; authorizing the department to
136 provide for phased surety bond coverage or an alternate
137 means of security for a portion of the contract amount in
138 lieu of the surety bond; amending s. 338.161, F.S.;
139 providing for the Department of Transportation and certain
140 toll agencies to enter into agreements with public or

141 private entities for additional uses of electronic toll
142 collection products and services; authorizing feasibility
143 studies by the department or a toll agency of additional
144 uses of electronic toll devices for legislative
145 consideration; amending s. 338.2275, F.S.; raising the
146 limit on outstanding bonds to fund turnpike projects;
147 removing a provision authorizing the department to acquire
148 the Sawgrass Expressway from the Broward County Expressway
149 Authority; amending s. 338.231, F.S.; authorizing the
150 department to set certain fees for the collection of
151 unpaid tolls; requiring public notice and public hearing
152 of the proposed fees; extending the timeframe for
153 application of requirement that the department program in
154 the tentative work program certain funds relative to the
155 share of toll collections attributable to users of the
156 turnpike system in certain areas; removing a reference to
157 conform; amending s. 339.135, F.S.; requiring the
158 department to notify certain local government officials of
159 certain proposed amendments to its adopted work program;
160 providing for comments from the local government that
161 would be affected by the amendment; providing procedures
162 for approval of the amendment; amending s. 339.175, F.S.;
163 revising intent; providing the method of creation and
164 operation of M.P.O.'s required to be designated pursuant
165 to federal law; specifying that an M.P.O. is separate from
166 the state or the governing body of a local government that
167 is represented on the governing board of the M.P.O. or
168 that is a signatory to the interlocal agreement creating

169 the M.P.O.; providing specified powers and privileges to
 170 the M.P.O.; providing for the designation and duties of
 171 certain officials; revising requirements for voting
 172 membership; defining the term "elected officials of a
 173 general-purpose local government" to exclude certain
 174 constitutional officers for voting membership purposes;
 175 providing for the appointment of alternates and advisers;
 176 providing that members of an M.P.O. technical advisory
 177 committee shall serve at the pleasure of the M.P.O.;
 178 providing for the appointment of an executive or staff
 179 director and other personnel; authorizing an M.P.O. to
 180 enter into contracts with public or private entities to
 181 accomplish its duties and functions; providing for the
 182 training of certain persons who serve on an M.P.O. for
 183 certain purposes; requiring that certain plans, programs,
 184 and amendments that affect projects be approved by each
 185 M.P.O. on a recorded roll call vote, or hand-counted vote,
 186 of a majority of the membership present; amending s.
 187 339.2819, F.S.; revising the share of matching funds for a
 188 public transportation project provided from the
 189 Transportation Regional Incentive Program; creating s.
 190 339.282, F.S.; providing for certain transportation-
 191 related contributions by a property owner or developer to
 192 be applied toward future transportation concurrency
 193 requirements; amending s. 339.55, F.S.; providing for the
 194 use of State Infrastructure Bank loans for certain damaged
 195 transportation facilities in areas officially declared to
 196 be in a state of emergency; providing criteria; amending

197 s. 339.63, F.S.; providing criteria for Strategic
198 Intermodal System designations; amending s. 341.071, F.S.;
199 requiring an annual report by certain public transit
200 providers to be submitted by a certain date and to address
201 certain potential productivity and performance
202 enhancements; amending s. 343.81, F.S.; prohibiting
203 elected officials from serving on the Northwest Florida
204 Transportation Corridor Authority; providing for
205 application of the prohibition to apply to persons
206 appointed to serve on the authority after a certain date;
207 amending s. 343.82, F.S.; directing the authority to plan
208 for and study the feasibility of constructing, operating,
209 and maintaining a bridge or bridges, and appurtenant
210 structures, spanning Choctawhatchee Bay or Santa Rosa
211 Sound; authorizing the authority to construct, operate,
212 and maintain said bridges and structures; amending s.
213 348.0004, F.S.; authorizing certain transportation-related
214 authorities to enter into agreements with private entities
215 for the building, operation, ownership, or financing of
216 transportation facilities; amending s. 348.0012, F.S.;
217 revising provisions for certain exemptions from the
218 Florida Expressway Authority Act; amending s. 348.243,
219 F.S.; correcting a cross-reference; amending s. 348.754,
220 F.S.; authorizing the Orlando-Orange County Expressway
221 Authority to waive payment and performance bonds on
222 certain construction contracts if the contract is awarded
223 pursuant to an economic development program for the
224 encouragement of local small businesses; providing

225 criteria for participation in the program; providing
226 criteria for the bond waiver; providing for certain
227 determinations by the authority's executive director or a
228 designee as to the suitability of a project; providing for
229 certain payment obligations if a payment and performance
230 bond is waived; requiring the authority to record notice
231 of the obligation; limiting eligibility to bid on the
232 projects; providing for the authority to conduct bond
233 eligibility training for certain businesses; requiring the
234 authority to submit biennial reports to the Orange County
235 legislative delegation; amending ss. 163.3177, 339.176,
236 and 341.828, F.S.; correcting cross-references; amending
237 s. 334.30, F.S.; revising legislative intent; authorizing
238 the Department of Transportation to advance certain
239 projects in the Strategic Intermodal System Plan using
240 funds provided by public-private partnerships or private
241 entities; authorizing the department to lease toll
242 facilities to private entities; providing criteria for
243 such leasing agreements; providing that procurements of
244 public-private partnerships are not subject to specified
245 provisions unless they are part of the procurement
246 agreement or the public-private agreement; extending the
247 unsolicited private proposal advertisement period;
248 providing criteria for qualification of public-private
249 partnerships as part of the procurement process; requiring
250 the department to perform cost-benefit, value-for-money
251 analyses of the proposed public-private partnership;
252 providing for certain innovative financing techniques for

253 public-private partnerships; authorizing the department to
254 enter into public-private partnership agreements that
255 include extended terms under certain conditions; requiring
256 certain projects to be prioritized for selection;
257 providing public-private partnership agreement term
258 limits; limiting the amount of certain funds that may be
259 obligated for public-private projects; providing for the
260 disposition of certain toll revenues; removing a provision
261 for the speed of a certain fixed-guideway transportation
262 system; amending s. 338.165, F.S.; providing for toll rate
263 increases that are tied to certain inflation indicators;
264 providing for increases beyond inflation amounts; amending
265 s. 348.0003, F.S.; revising provisions relating to
266 membership of the governing bodies of specified expressway
267 authorities; providing for termination of the existing
268 governing bodies of such authorities and creation of new
269 governing bodies; providing for membership and terms of
270 office; revising members' financial disclosure
271 requirements; amending s. 348.0004, F.S.; prohibiting
272 specified expressway authorities from contracting with
273 lobbyists; amending s. 479.01, F.S.; defining the term
274 "wall mural"; creating s. 479.156, F.S.; providing for
275 regulation of wall murals by municipalities or counties;
276 requiring that certain wall murals be located in areas
277 zoned for industrial or commercial use; requiring local
278 regulation of wall murals to be consistent with specified
279 criteria; requiring certain wall murals to be approved the
280 Department of Transportation and the Federal Highway

281 Administration; providing that wall murals shall not be
 282 considered when determining specified requirements of new
 283 or existing signs; amending s. 2 of ch. 89-383, Laws of
 284 Florida; providing for certain alterations to and along
 285 Red Road in Miami-Dade County for transportation safety
 286 purposes; directing the Department of Transportation to
 287 conduct a study on the access roads to pari-mutuel
 288 facilities and Indian reservation lands where gaming
 289 activities occur; providing for the content of the study;
 290 requiring a report to the Governor and the Legislature;
 291 creating s. 163.3182, F.S.; providing for the creation of
 292 transportation concurrency backlog authorities; providing
 293 definitions; providing powers and responsibilities of such
 294 authorities; providing for transportation concurrency
 295 backlog plans; providing for the issuance of revenue bonds
 296 for certain purposes; providing for the establishment of a
 297 local trust fund within each county or municipality with
 298 an identified transportation concurrency backlog;
 299 providing exemptions from transportation concurrency
 300 requirements; providing for the satisfaction of
 301 concurrency requirements; providing for dissolution of
 302 transportation concurrency backlog authorities; providing
 303 an effective date.

304
 305 Be It Enacted by the Legislature of the State of Florida:
 306

307 Section 1. Paragraph (h) of subsection (2) of section
 308 20.23, Florida Statutes, is amended to read:

309 20.23 Department of Transportation.--There is created a
 310 Department of Transportation which shall be a decentralized
 311 agency.

312 (2)

313 (h) The commission shall appoint an executive director and
 314 assistant executive director, who shall serve under the
 315 direction, supervision, and control of the commission. The
 316 executive director, with the consent of the commission, shall
 317 employ such staff as are necessary to perform adequately the
 318 functions of the commission, within budgetary limitations. All
 319 employees of the commission are exempt from part II of chapter
 320 110 and shall serve at the pleasure of the commission. The
 321 salaries and benefits of all employees of the commission, except
 322 for the executive director, shall be set in accordance with the
 323 Selected Exempt Service; ~~provided,~~ however, ~~that~~ the salary and
 324 benefits of the executive director shall be set in accordance
 325 with the Senior Management Service. The commission shall have
 326 complete authority for fixing the salary of the executive
 327 director and assistant executive director.

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

330 112.061 Per diem and travel expenses of public officers,
 331 employees, and authorized persons.--

332 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 333 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 334 ORGANIZATIONS.--

335 (a) The following entities may establish rates that vary
 336 from the per diem rate provided in paragraph (6) (a), the

337 subsistence rates provided in paragraph (6) (b), or the mileage
 338 rate provided in paragraph (7) (d) if those rates are not less
 339 than the statutorily established rates that are in effect for
 340 the 2005-2006 fiscal year:

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

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

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

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

351 5. Any metropolitan planning organization created pursuant
 352 to s. 339.175 or any other separate legal or administrative
 353 entity created pursuant to s. 339.175 of which a metropolitan
 354 planning organization is a member, by the enactment of a
 355 resolution.

356 (b) Rates established pursuant to paragraph (a) must apply
 357 uniformly to all travel by the county, county constitutional
 358 officer and entity governed by that officer, district school
 359 board, ~~or~~ special district, or metropolitan planning
 360 organization.

361 (c) Except as otherwise provided in this subsection,
 362 counties, county constitutional officers and entities governed
 363 by those officers, district school boards, ~~and~~ special
 364 districts, and metropolitan planning organizations, other than

365 those subject to s. 166.021(10), remain subject to the
 366 requirements of this section.

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

369 120.52 Definitions.--As used in this act:

370 (1) "Agency" means:

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

373 (b) Each:

374 1. State officer and state department, and each
 375 departmental unit described in s. 20.04.

376 2. Authority, including a regional water supply authority.

377 3. Board.

378 4. Commission, including the Commission on Ethics and the
 379 Fish and Wildlife Conservation Commission when acting pursuant
 380 to statutory authority derived from the Legislature.

381 5. Regional planning agency.

382 6. Multicounty special district with a majority of its
 383 governing board comprised of nonelected persons.

384 7. Educational units.

385 8. Entity described in chapters 163, 373, 380, and 582 and
 386 s. 186.504.

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

391

392 This definition does not include any legal entity or agency

393 created in whole or in part pursuant to chapter 361, part II,
 394 any metropolitan planning organization created pursuant to s.
 395 339.175, any separate legal or administrative entity created
 396 pursuant to s. 339.175 of which a metropolitan planning
 397 organization is a member, an expressway authority pursuant to
 398 chapter 348 or transportation authority under chapter 349, any
 399 legal or administrative entity created by an interlocal
 400 agreement pursuant to s. 163.01(7), unless any party to such
 401 agreement is otherwise an agency as defined in this subsection,
 402 or any multicounty special district with a majority of its
 403 governing board comprised of elected persons; however, this
 404 definition shall include a regional water supply authority.

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

407 349.03 Jacksonville Transportation Authority.--

408 (3) The terms of appointed members shall be for 4 years
 409 deemed to have commenced on June 1 of the year in which they are
 410 appointed. Each member shall hold office until a successor has
 411 been appointed and has qualified. A vacancy during a term shall
 412 be filled by the respective appointing authority only for the
 413 balance of the unexpired term. Any member appointed to the
 414 authority for two consecutive full terms shall not be eligible
 415 for appointment to the next succeeding term. One of the members
 416 so appointed shall be designated annually by the members as
 417 chair of the authority, one member shall be designated annually
 418 as the vice chair of the authority, one member shall be
 419 designated annually as the secretary of the authority, and one
 420 member shall be designated annually as the treasurer of the

421 authority. The members of the authority shall not be entitled to
422 compensation, but shall be reimbursed for travel expenses or
423 other expenses actually incurred in their duties as provided by
424 law. Four voting members of the authority shall constitute a
425 quorum, and no resolution adopted by the authority shall become
426 effective unless with the affirmative vote of at least four
427 members. The authority shall ~~may~~ employ an executive director,
428 and the executive director may hire such staff, permanent or
429 temporary, as he or she may determine and may organize the staff
430 of the authority into such departments and units as he or she
431 may determine ~~divisions as it deems necessary~~. The executive
432 director ~~It~~ may appoint department directors, deputy directors,
433 division chiefs, and staff assistants to the executive director,
434 as he or she may determine. In so appointing the executive
435 director, the authority may fix the compensation of such
436 appointee ~~those appointees~~, who shall serve at the pleasure of
437 the authority. All employees of the authority shall be exempt
438 from the provisions of part II of chapter 110. The authority may
439 employ such financial advisers and consultants, technical
440 experts, engineers, and agents and employees, permanent or
441 temporary, as it may require and may fix the compensation and
442 qualifications of such persons, firms, or corporations. The
443 authority may delegate to one or more of its agents or employees
444 such of its powers as it shall deem necessary to carry out the
445 purposes of this chapter, subject always to the supervision and
446 control of the governing body of the authority.

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

449 349.04 Purposes and powers.--

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

454 (n) To adopt rules to carry out the powers and obligations
 455 herein granted, which set forth a purpose, necessary
 456 definitions, forms, general conditions and procedures, and fines
 457 and penalties, including, without limitation, suspension or
 458 debarment, and charges for nonperformance, with respect to any
 459 aspect of the work or function of the authority for the
 460 permitting, planning, funding, design, acquisition,
 461 construction, equipping, operation, and maintenance of
 462 transportation facilities, transit and highway, within the
 463 state, provided or operated by the authority or others in
 464 cooperation with or at the direction of the authority, and for
 465 carrying out all other purposes of the authority set forth or
 466 authorized in this chapter.

467 Section 6. Subsection (11), paragraph (a) of subsection
 468 (42), and paragraph (b) of subsection (52) of section 121.021,
 469 Florida Statutes, are amended, and subsection (62) is added to
 470 that section, to read:

471 121.021 Definitions.--The following words and phrases as
 472 used in this chapter have the respective meanings set forth
 473 unless a different meaning is plainly required by the context:

474 (11) "Officer or employee" means any person receiving
 475 salary payments for work performed in a regularly established
 476 position and, if employed by a city, a metropolitan planning

477 organization, or a special district, employed in a covered
478 group.

479 (42) (a) "Local agency employer" means the board of county
480 commissioners or other legislative governing body of a county,
481 however styled, including that of a consolidated or metropolitan
482 government; a clerk of the circuit court, sheriff, property
483 appraiser, tax collector, or supervisor of elections, provided
484 such officer is elected or has been appointed to fill a vacancy
485 in an elective office; a community college board of trustees or
486 district school board; or the governing body of any city,
487 metropolitan planning organization created pursuant to s.
488 339.175 or any other separate legal or administrative entity
489 created pursuant to s. 339.175, or special district of the state
490 which participates in the system for the benefit of certain of
491 its employees.

492 (52) "Regularly established position" is defined as
493 follows:

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

499 (62) "Metropolitan planning organization" means an entity
500 created by an interlocal agreement pursuant to s. 339.175 or any
501 other entity created pursuant to s. 339.175.

502 Section 7. Paragraph (b) of subsection (2) of section
503 121.051, Florida Statutes, is amended to read:

504 121.051 Participation in the system.--

505 (2) OPTIONAL PARTICIPATION.--

506 (b)1. The governing body of any municipality, metropolitan
 507 planning organization, or special district in the state may
 508 elect to participate in the system upon proper application to
 509 the administrator and may cover all or any of its units as
 510 approved by the Secretary of Health and Human Services and the
 511 administrator. The department shall adopt rules establishing
 512 provisions for the submission of documents necessary for such
 513 application. Prior to being approved for participation in the
 514 Florida Retirement System, the governing body of any such
 515 municipality, metropolitan planning organization, or special
 516 district that has a local retirement system shall submit to the
 517 administrator a certified financial statement showing the
 518 condition of the local retirement system as of a date within 3
 519 months prior to the proposed effective date of membership in the
 520 Florida Retirement System. The statement must be certified by a
 521 recognized accounting firm that is independent of the local
 522 retirement system. All required documents necessary for
 523 extending Florida Retirement System coverage must be received by
 524 the department for consideration at least 15 days prior to the
 525 proposed effective date of coverage. If the municipality,
 526 metropolitan planning organization, or special district does not
 527 comply with this requirement, the department may require that
 528 the effective date of coverage be changed.

529 2. Any city, metropolitan planning organization, or
 530 special district that has an existing retirement system covering
 531 the employees in the units that are to be brought under the
 532 Florida Retirement System may participate only after holding a

533 referendum in which all employees in the affected units have the
534 right to participate. Only those employees electing coverage
535 under the Florida Retirement System by affirmative vote in said
536 referendum shall be eligible for coverage under this chapter,
537 and those not participating or electing not to be covered by the
538 Florida Retirement System shall remain in their present systems
539 and shall not be eligible for coverage under this chapter. After
540 the referendum is held, all future employees shall be compulsory
541 members of the Florida Retirement System.

542 3. The governing body of any city, metropolitan planning
543 organization, or special district complying with subparagraph 1.
544 may elect to provide, or not provide, benefits based on past
545 service of officers and employees as described in s. 121.081(1).
546 However, if such employer elects to provide past service
547 benefits, such benefits must be provided for all officers and
548 employees of its covered group.

549 4. Once this election is made and approved it may not be
550 revoked, except pursuant to subparagraphs 5. and 6., and all
551 present officers and employees electing coverage under this
552 chapter and all future officers and employees shall be
553 compulsory members of the Florida Retirement System.

554 5. Subject to the conditions set forth in subparagraph 6.,
555 the governing body of any hospital licensed under chapter 395
556 which is governed by the board of a special district as defined
557 in s. 189.403(1) or by the board of trustees of a public health
558 trust created under s. 154.07, hereinafter referred to as
559 "hospital district," and which participates in the system, may
560 elect to cease participation in the system with regard to future

561 employees in accordance with the following procedure:

562 a. No more than 30 days and at least 7 days before
563 adopting a resolution to partially withdraw from the Florida
564 Retirement System and establish an alternative retirement plan
565 for future employees, a public hearing must be held on the
566 proposed withdrawal and proposed alternative plan.

567 b. From 7 to 15 days before such hearing, notice of intent
568 to withdraw, specifying the time and place of the hearing, must
569 be provided in writing to employees of the hospital district
570 proposing partial withdrawal and must be published in a
571 newspaper of general circulation in the area affected, as
572 provided by ss. 50.011-50.031. Proof of publication of such
573 notice shall be submitted to the Department of Management
574 Services.

575 c. The governing body of any hospital district seeking to
576 partially withdraw from the system must, before such hearing,
577 have an actuarial report prepared and certified by an enrolled
578 actuary, as defined in s. 112.625(3), illustrating the cost to
579 the hospital district of providing, through the retirement plan
580 that the hospital district is to adopt, benefits for new
581 employees comparable to those provided under the Florida
582 Retirement System.

583 d. Upon meeting all applicable requirements of this
584 subparagraph, and subject to the conditions set forth in
585 subparagraph 6., partial withdrawal from the system and adoption
586 of the alternative retirement plan may be accomplished by
587 resolution duly adopted by the hospital district board. The
588 hospital district board must provide written notice of such

589 withdrawal to the division by mailing a copy of the resolution
 590 to the division, postmarked no later than December 15, 1995. The
 591 withdrawal shall take effect January 1, 1996.

592 6. Following the adoption of a resolution under sub-
 593 subparagraph 5.d., all employees of the withdrawing hospital
 594 district who were participants in the Florida Retirement System
 595 prior to January 1, 1996, shall remain as participants in the
 596 system for as long as they are employees of the hospital
 597 district, and all rights, duties, and obligations between the
 598 hospital district, the system, and the employees shall remain in
 599 full force and effect. Any employee who is hired or appointed on
 600 or after January 1, 1996, may not participate in the Florida
 601 Retirement System, and the withdrawing hospital district shall
 602 have no obligation to the system with respect to such employees.

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

605 121.055 Senior Management Service Class.--There is hereby
 606 established a separate class of membership within the Florida
 607 Retirement System to be known as the "Senior Management Service
 608 Class," which shall become effective February 1, 1987.

609 (1)

610 (1) For each metropolitan planning organization that has
 611 opted to become part of the Florida Retirement System,
 612 participation in the Senior Management Service Class shall be
 613 compulsory for the executive director or staff director of that
 614 metropolitan planning organization.

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

617 121.061 Funding.--

618 (2) (a) Should any employer other than a state employer
 619 fail to make the retirement and social security contributions,
 620 both member and employer contributions, required by this
 621 chapter, then, upon request by the administrator, the Department
 622 of Revenue or the Department of Financial Services, as the case
 623 may be, shall deduct the amount owed by the employer from any
 624 funds to be distributed by it to the county, city, metropolitan
 625 planning organization, special district, or consolidated form of
 626 government. The amounts so deducted shall be transferred to the
 627 administrator for further distribution to the trust funds in
 628 accordance with this chapter.

629 (c) The governing body of each county, city, metropolitan
 630 planning organization, special district, or consolidated form of
 631 government participating under this chapter or the
 632 administrator, acting individually or jointly, is hereby
 633 authorized to file and maintain an action in the courts of the
 634 state to require any employer to remit any retirement or social
 635 security member contributions or employer matching payments due
 636 the retirement or social security trust funds under the
 637 provisions of this chapter.

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

640 121.081 Past service; prior service;
 641 contributions.--Conditions under which past service or prior
 642 service may be claimed and credited are:

643 (1) (a) Past service, as defined in s. 121.021(18), may be
 644 claimed as creditable service by officers or employees of a

645 city, metropolitan planning organization, or special district
646 that become a covered group under this system. The governing
647 body of a covered group in compliance with s. 121.051(2)(b) may
648 elect to provide benefits with respect to past service earned
649 prior to January 1, 1975, in accordance with this chapter, and
650 the cost for such past service shall be established by applying
651 the following formula: The member contribution for both regular
652 and special risk members shall be 4 percent of the gross annual
653 salary for each year of past service claimed, plus 4-percent
654 employer matching contribution, plus 4 percent interest thereon
655 compounded annually, figured on each year of past service, with
656 interest compounded from date of annual salary earned until July
657 1, 1975, and 6.5 percent interest compounded annually thereafter
658 until date of payment. Once the total cost for a member has been
659 figured to date, then after July 1, 1975, 6.5 percent compounded
660 interest shall be added each June 30 thereafter on any unpaid
661 balance until the cost of such past service liability is paid in
662 full. The following formula shall be used in calculating past
663 service earned prior to January 1, 1975: (Annual gross salary
664 multiplied by 8 percent) multiplied by the 4 percent or 6.5
665 percent compound interest table factor, as may be applicable.
666 The resulting product equals cost to date for each particular
667 year of past service.

668 (b) Past service earned after January 1, 1975, may be
669 claimed by officers or employees of a city, metropolitan
670 planning organization, or special district that becomes a
671 covered group under this system. The governing body of a covered
672 group may elect to provide benefits with respect to past service

673 earned after January 1, 1975, in accordance with this chapter,
674 and the cost for such past service shall be established by
675 applying the following formula: The employer shall contribute an
676 amount equal to the contribution rate in effect at the time the
677 service was earned, multiplied by the employee's gross salary
678 for each year of past service claimed, plus 6.5 percent interest
679 thereon, compounded annually, figured on each year of past
680 service, with interest compounded from date of annual salary
681 earned until date of payment.

682 (e) Past service, as defined in s. 121.021(18), may be
683 claimed as creditable service by a member of the Florida
684 Retirement System who formerly was an officer or employee of a
685 city, metropolitan planning organization, or special district,
686 notwithstanding the status or form of the retirement system, if
687 any, of that city, metropolitan planning organization, or
688 special district and irrespective of whether officers or
689 employees of that city, metropolitan planning organization, or
690 special district now or hereafter become a covered group under
691 the Florida Retirement System. Such member may claim creditable
692 service and be entitled to the benefits accruing to the regular
693 class of members as provided for the past service claimed under
694 this paragraph by paying into the retirement trust fund an
695 amount equal to the total actuarial cost of providing the
696 additional benefit resulting from such past-service credit,
697 discounted by the applicable actuarial factors to date of
698 retirement.

699 Section 11. Paragraph (e) of subsection (2) of section
700 212.055, Florida Statutes, is amended to read:

701 212.055 Discretionary sales surtaxes; legislative intent;
 702 authorization and use of proceeds.--It is the legislative intent
 703 that any authorization for imposition of a discretionary sales
 704 surtax shall be published in the Florida Statutes as a
 705 subsection of this section, irrespective of the duration of the
 706 levy. Each enactment shall specify the types of counties
 707 authorized to levy; the rate or rates which may be imposed; the
 708 maximum length of time the surtax may be imposed, if any; the
 709 procedure which must be followed to secure voter approval, if
 710 required; the purpose for which the proceeds may be expended;
 711 and such other requirements as the Legislature may provide.
 712 Taxable transactions and administrative procedures shall be as
 713 provided in s. 212.054.

714 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

715 (e) School districts, counties, and municipalities
 716 receiving proceeds under the provisions of this subsection may
 717 pledge such proceeds for the purpose of servicing new bond
 718 indebtedness incurred pursuant to law. Local governments may use
 719 the services of the Division of Bond Finance of the State Board
 720 of Administration pursuant to the State Bond Act to issue any
 721 bonds through the provisions of this subsection. ~~In no case may~~
 722 ~~a jurisdiction issue bonds pursuant to this subsection more~~
 723 ~~frequently than once per year.~~ Counties and municipalities may
 724 join together for the issuance of bonds authorized by this
 725 subsection.

726 Section 12. Subsection (1) of section 215.615, Florida
 727 Statutes, is amended to read:

728 215.615 Fixed-guideway transportation systems funding.--

729 (1) The issuance of revenue bonds by the Division of Bond
730 Finance, on behalf of the Department of Transportation, pursuant
731 to s. 11, Art. VII of the State Constitution, is authorized,
732 pursuant to the State Bond Act, to finance or refinance fixed
733 capital expenditures for fixed-guideway transportation systems,
734 as defined in s. 341.031, including facilities appurtenant
735 thereto, costs of issuance, and other amounts relating to such
736 financing or refinancing. ~~Such revenue bonds shall be matched on~~
737 ~~a 50-50 basis with funds from sources other than revenues of the~~
738 ~~Department of Transportation, in a manner acceptable to the~~
739 ~~Department of Transportation.~~ The Division of Bond Finance is
740 authorized to consider innovative financing techniques,
741 ~~technologies~~ which may include, but are not limited to,
742 innovative bidding and structures of potential financings
743 ~~findings~~ that may result in negotiated transactions. The
744 following conditions apply to the issuance of revenue bonds for
745 fixed-guideway transportation systems:

746 (a) The department and any participating commuter rail
747 authority or regional transportation authority established under
748 chapter 343, local governments, or local governments
749 collectively by interlocal agreement having jurisdiction of a
750 fixed-guideway transportation system may enter into an
751 interlocal agreement to promote the efficient and cost-effective
752 financing or refinancing of fixed-guideway transportation system
753 projects by revenue bonds issued pursuant to this subsection.
754 The terms of such interlocal agreements shall include provisions
755 for the Department of Transportation to request the issuance of
756 the bonds on behalf of the parties; shall provide that after

757 reimbursement pursuant to interlocal agreement, the department's
758 share may be up to 50 percent of the eligible project cost,
759 which may include a share of annual ~~each party to the agreement~~
760 ~~is contractually liable for an equal share of funding an amount~~
761 ~~equal to the debt service requirements of such bonds; and shall~~
762 include any other terms, provisions, or covenants necessary to
763 the making of and full performance under such interlocal
764 agreement. Repayments made to the department under any
765 interlocal agreement are not pledged to the repayment of bonds
766 issued hereunder, and failure of the local governmental
767 authority to make such payment shall not affect the obligation
768 of the department to pay debt service on the bonds.

769 (b) Revenue bonds issued pursuant to this subsection shall
770 not constitute a general obligation of, or a pledge of the full
771 faith and credit of, the State of Florida. Bonds issued pursuant
772 to this section shall be payable from funds available pursuant
773 to s. 206.46(3), or other funds available to the project,
774 subject to annual appropriation. The amount of revenues
775 available for debt service shall never exceed a maximum of 2
776 percent of all state revenues deposited into the State
777 Transportation Trust Fund.

778 (c) The projects to be financed or refinanced with the
779 proceeds of the revenue bonds issued hereunder are designated as
780 state fixed capital outlay projects for purposes of s. 11(d),
781 Art. VII of the State Constitution, and the specific projects to
782 be financed or refinanced shall be determined by the Department
783 of Transportation in accordance with state law and
784 appropriations from the State Transportation Trust Fund. Each

785 project to be financed with the proceeds of the bonds issued
 786 pursuant to this subsection must first be approved by the
 787 Legislature by an act of general law.

788 (d) Any complaint for validation of bonds issued pursuant
 789 to this section shall be filed in the circuit court of the
 790 county where the seat of state government is situated, the
 791 notice required to be published by s. 75.06 shall be published
 792 only in the county where the complaint is filed, and the
 793 complaint and order of the circuit court shall be served only on
 794 the state attorney of the circuit in which the action is
 795 pending.

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

802 (f) This subsection supersedes any inconsistent provisions
 803 in existing law.

804

805 Notwithstanding this subsection, the lien of revenue bonds
 806 issued pursuant to this subsection on moneys deposited into the
 807 State Transportation Trust Fund shall be subordinate to the lien
 808 on such moneys of bonds issued under ss. 215.605, 320.20, and
 809 215.616, and any pledge of such moneys to pay operating and
 810 maintenance expenses under s. 206.46(5) and chapter 348, as may
 811 be amended.

812 Section 13. Section 316.2123, Florida Statutes, is amended

813 to read:

814 316.2123 Operation of an ATV on certain roadways.--

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

823 (2) A county is exempt from this section if the governing
824 body of the county, by majority vote, following a noticed public
825 hearing, votes to exempt the county from this section.

826 Alternatively, a county may, by majority vote after such a
827 hearing, designate certain unpaved roadways where an ATV may be
828 operated during the daytime as long as each such designated
829 roadway has a posted speed limit of less than 35 miles per hour
830 and is appropriately marked to indicate permissible ATV use.

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

836 Section 14. Subsection (1) of section 316.605, Florida
837 Statutes, is amended to read:

838 316.605 Licensing of vehicles.--

839 (1) Every vehicle, at all times while driven, stopped, or
840 parked upon any highways, roads, or streets of this state, shall

841 be licensed in the name of the owner thereof in accordance with
842 the laws of this state unless such vehicle is not required by
843 the laws of this state to be licensed in this state and shall,
844 except as otherwise provided in s. 320.0706 for front-end
845 registration license plates on truck tractors and s. 320.086(5)
846 which exempts display of license plates on described former
847 military vehicles, display the license plate or both of the
848 license plates assigned to it by the state, one on the rear and,
849 if two, the other on the front of the vehicle, each to be
850 securely fastened to the vehicle outside the main body of the
851 vehicle not higher than 60 inches and not lower than 12 inches
852 from the ground and no more than 24 inches to the left or right
853 of the centerline of the vehicle, and in such manner as to
854 prevent the plates from swinging, and all letters, numerals,
855 printing, writing, and other identification marks upon the
856 plates regarding the word "Florida," the registration decal, and
857 the alphanumeric designation shall be clear and distinct and
858 free from defacement, mutilation, grease, and other obscuring
859 matter, so that they will be plainly visible and legible at all
860 times 100 feet from the rear or front. Vehicle license plates
861 shall be affixed and displayed in such a manner that the letters
862 and numerals shall be read from left to right parallel to the
863 ground. No vehicle license plate may be displayed in an inverted
864 or reversed position or in such a manner that the letters and
865 numbers and their proper sequence are not readily identifiable.
866 Nothing shall be placed upon the face of a Florida plate except
867 as permitted by law or by rule or regulation of a governmental
868 agency. No license plates other than those furnished by the

869 state shall be used. However, if the vehicle is not required to
870 be licensed in this state, the license plates on such vehicle
871 issued by another state, by a territory, possession, or district
872 of the United States, or by a foreign country, substantially
873 complying with the provisions hereof, shall be considered as
874 complying with this chapter. A violation of this subsection is a
875 noncriminal traffic infraction, punishable as a nonmoving
876 violation as provided in chapter 318.

877 Section 15. Paragraph (b) of subsection (3) of section
878 316.650, Florida Statutes, is amended to read:

879 316.650 Traffic citations.--

880 (3)

881 (b) If a traffic citation is issued pursuant to s.
882 316.1001, a traffic enforcement officer may deposit the original
883 and one copy of such traffic citation or, in the case of a
884 traffic enforcement agency that has an automated citation
885 system, may provide an electronic facsimile with a court having
886 jurisdiction over the alleged offense or with its traffic
887 violations bureau within 45 days after the date of issuance of
888 the citation to the violator. If the person cited for the
889 violation of s. 316.1001 makes the election provided by s.
890 318.14(12) and pays the \$25 fine, or such other amount as
891 imposed by the governmental entity owning the applicable toll
892 facility, plus the amount of the unpaid toll that is shown on
893 the traffic citation directly to the governmental entity that
894 issued the citation, or on whose behalf the citation was issued,
895 in accordance with s. 318.14(12), the traffic citation will not
896 be submitted to the court, the disposition will be reported to

897 the department by the governmental entity that issued the
898 citation, or on whose behalf the citation was issued, and no
899 points will be assessed against the person's driver's license.

900 Section 16. Subsection (12) of section 318.14, Florida
901 Statutes, is amended to read:

902 318.14 Noncriminal traffic infractions; exception;
903 procedures.--

904 (12) Any person cited for a violation of s. 316.1001 may,
905 in lieu of making an election as set forth in subsection (4) or
906 s. 318.18(7), elect to pay a his or her fine of \$25, or such
907 other amount as imposed by the governmental entity owning the
908 applicable toll facility, plus the amount of the unpaid toll
909 that is shown on the traffic citation directly to the
910 governmental entity that issued the citation, or on whose behalf
911 the citation was issued, within 30 days after the date of
912 issuance of the citation. Any person cited for a violation of s.
913 316.1001 who does not elect to pay the fine imposed by the
914 governmental entity owning the applicable toll facility plus the
915 amount of the unpaid toll that is shown on the traffic citation
916 directly to the governmental entity that issued the citation, or
917 on whose behalf the citation was issued, as described in this
918 subsection ~~section~~ shall have an additional 45 days after the
919 date of the issuance of the citation in which to request a court
920 hearing or to pay the civil penalty and delinquent fee, if
921 applicable, as provided in s. 318.18(7), either by mail or in
922 person, in accordance with subsection (4).

923 Section 17. Section 318.18, Florida Statutes, is amended
924 to read:

925 318.18 Amount of ~~civil~~ penalties.--The penalties required
 926 for a noncriminal disposition pursuant to s. 318.14 or a
 927 criminal offense listed in s. 318.17 are as follows:

928 (1) Fifteen dollars for:

929 (a) All infractions of pedestrian regulations.

930 (b) All infractions of s. 316.2065, unless otherwise
 931 specified.

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

935 (2) Thirty dollars for all nonmoving traffic violations
 936 and:

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

938 (b) For all violations of ss. 320.0605, 320.07(1),
 939 322.065, and 322.15(1). Any person who is cited for a violation
 940 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
 941 320.07(4).

942 1. If a person who is cited for a violation of s. 320.0605
 943 or s. 320.07 can show proof of having a valid registration at
 944 the time of arrest, the clerk of the court may dismiss the case
 945 and may assess a dismissal fee of up to \$7.50. A person who
 946 finds it impossible or impractical to obtain a valid
 947 registration certificate must submit an affidavit detailing the
 948 reasons for the impossibility or impracticality. The reasons may
 949 include, but are not limited to, the fact that the vehicle was
 950 sold, stolen, or destroyed; that the state in which the vehicle
 951 is registered does not issue a certificate of registration; or
 952 that the vehicle is owned by another person.

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

958 3. If a person who is cited for a violation of s. 316.646
959 can show proof of security as required by s. 627.733, issued to
960 the person and valid at the time of arrest, the clerk of the
961 court may dismiss the case and may assess a dismissal fee of up
962 to \$7.50. A person who finds it impossible or impractical to
963 obtain proof of security must submit an affidavit detailing the
964 reasons for the impracticality. The reasons may include, but are
965 not limited to, the fact that the vehicle has since been sold,
966 stolen, or destroyed; that the owner or registrant of the
967 vehicle is not required by s. 627.733 to maintain personal
968 injury protection insurance; or that the vehicle is owned by
969 another person.

970 (c) For all violations of ss. 316.2935 and 316.610.
971 However, for a violation of s. 316.2935 or s. 316.610, if the
972 person committing the violation corrects the defect and obtains
973 proof of such timely repair by an affidavit of compliance
974 executed by the law enforcement agency within 30 days from the
975 date upon which the traffic citation was issued, and pays \$4 to
976 the law enforcement agency, thereby completing the affidavit of
977 compliance, then upon presentation of said affidavit by the
978 defendant to the clerk within the 30-day time period set forth
979 under s. 318.14(4), the fine must be reduced to \$7.50, which the
980 clerk of the court shall retain.

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

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

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

987

988	For speed exceeding the limit by:.....	Fine:
989	1-5 m.p.h.....	Warning
990	6-9 m.p.h.....	\$ 25
991	10-14 m.p.h.....	\$100
992	15-19 m.p.h.....	\$125
993	20-29 m.p.h.....	\$150
994	30 m.p.h. and above.....	\$250

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

1000 (d) A person cited for exceeding the speed limit in a
 1001 posted construction zone, which posting must include
 1002 notification of the speed limit and the doubling of fines, shall
 1003 pay a fine double the amount listed in paragraph (b). The fine
 1004 shall be doubled for construction zone violations only if
 1005 construction personnel are present or operating equipment on the
 1006 road or immediately adjacent to the road under construction.

1007 (e) A person cited for exceeding the speed limit in an
 1008 enhanced penalty zone shall pay a fine amount of \$50 plus the

1009 amount listed in paragraph (b). Notwithstanding paragraph (b), a
1010 person cited for exceeding the speed limit by up to 5 m.p.h. in
1011 a legally posted enhanced penalty zone shall pay a fine amount
1012 of \$50.

1013 (f) If a violation of s. 316.1301 or s. 316.1303 results
1014 in an injury to the pedestrian or damage to the property of the
1015 pedestrian, an additional fine of up to \$250 shall be paid. This
1016 amount must be distributed pursuant to s. 318.21.

1017 (g) A person cited for exceeding the speed limit within a
1018 zone posted for any electronic or manual toll collection
1019 facility shall pay a fine double the amount listed in paragraph
1020 (b). However, no person cited for exceeding the speed limit in
1021 any toll collection zone shall be subject to a doubled fine
1022 unless the governmental entity or authority controlling the toll
1023 collection zone first installs a traffic control device
1024 providing warning that speeding fines are doubled. Any such
1025 traffic control device must meet the requirements of the uniform
1026 system of traffic control devices.

1027 (h) A person cited for a second or subsequent conviction
1028 of speed exceeding the limit by 30 miles per hour and above
1029 within a 12-month period shall pay a fine that is double the
1030 amount listed in paragraph (b). For purposes of this paragraph,
1031 the term "conviction" means a finding of guilt as a result of a
1032 jury verdict, nonjury trial, or entry of a plea of guilty.
1033 Moneys received from the increased fine imposed by this
1034 paragraph shall be remitted to the Department of Revenue and
1035 deposited into the Department of Health Administrative Trust
1036 Fund to provide financial support to certified trauma centers to

1037 assure the availability and accessibility of trauma services
 1038 throughout the state. Funds deposited into the Administrative
 1039 Trust Fund under this section shall be allocated as follows:

1040 1. Fifty percent shall be allocated equally among all
 1041 Level I, Level II, and pediatric trauma centers in recognition
 1042 of readiness costs for maintaining trauma services.

1043 2. Fifty percent shall be allocated among Level I, Level
 1044 II, and pediatric trauma centers based on each center's relative
 1045 volume of trauma cases as reported in the Department of Health
 1046 Trauma Registry.

1047 (4) The penalty imposed under s. 316.545 shall be
 1048 determined by the officer in accordance with the provisions of
 1049 ss. 316.535 and 316.545.

1050 (5) (a) One hundred dollars for a violation of s.
 1051 316.172(1)(a), failure to stop for a school bus. If, at a
 1052 hearing, the alleged offender is found to have committed this
 1053 offense, the court shall impose a minimum civil penalty of \$100.
 1054 In addition to this penalty, for a second or subsequent offense
 1055 within a period of 5 years, the department shall suspend the
 1056 driver's license of the person for not less than 90 days and not
 1057 more than 6 months.

1058 (b) Two hundred dollars for a violation of s.
 1059 316.172(1)(b), passing a school bus on the side that children
 1060 enter and exit when the school bus displays a stop signal. If,
 1061 at a hearing, the alleged offender is found to have committed
 1062 this offense, the court shall impose a minimum civil penalty of
 1063 \$200. In addition to this penalty, for a second or subsequent
 1064 offense within a period of 5 years, the department shall suspend

1065 the driver's license of the person for not less than 180 days
 1066 and not more than 1 year.

1067 (6) One hundred dollars or the fine amount designated by
 1068 county ordinance, plus court costs for illegally parking, under
 1069 s. 316.1955, in a parking space provided for people who have
 1070 disabilities. However, this fine will be waived if a person
 1071 provides to the law enforcement agency that issued the citation
 1072 for such a violation proof that the person committing the
 1073 violation has a valid parking permit or license plate issued
 1074 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
 1075 or s. 320.0848 or a signed affidavit that the owner of the
 1076 disabled parking permit or license plate was present at the time
 1077 the violation occurred, and that such a parking permit or
 1078 license plate was valid at the time the violation occurred. The
 1079 law enforcement officer, upon determining that all required
 1080 documentation has been submitted verifying that the required
 1081 parking permit or license plate was valid at the time of the
 1082 violation, must sign an affidavit of compliance. Upon provision
 1083 of the affidavit of compliance and payment of a dismissal fee of
 1084 up to \$7.50 to the clerk of the circuit court, the clerk shall
 1085 dismiss the citation.

1086 (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a
 1087 violation of s. 316.1001 plus the amount of the unpaid toll
 1088 shown on the traffic citation for each citation issued. The
 1089 clerk of the court shall forward \$25 of the \$100 fine received,
 1090 plus the amount of the unpaid toll that is shown on the
 1091 citation, to the governmental entity that issued the citation,
 1092 or on whose behalf the citation was issued. If a plea

1093 arrangement is reached prior to the date set for a scheduled
1094 evidentiary hearing and adjudication is withheld, there shall be
1095 a mandatory fine assessed per citation of not less than \$50 and
1096 not more than \$100, plus the amount of the unpaid toll for each
1097 citation issued. The clerk of the court shall forward \$25 of the
1098 fine imposed plus the amount of the unpaid toll that is shown on
1099 the citation to the governmental entity that issued the citation
1100 or on whose behalf the citation was issued. The court shall have
1101 specific authority to consolidate issued citations for the same
1102 defendant for the purpose of sentencing and aggregate
1103 jurisdiction. In addition, the department shall suspend for 60
1104 days the driver's license of a person who is convicted of 10
1105 violations of s. 316.1001 within a 36-month period. However, a
1106 ~~person may elect to pay \$30 to the clerk of the court, in which~~
1107 ~~case adjudication is withheld, and no points are assessed under~~
1108 ~~s. 322.27. Upon receipt of the fine, the clerk of the court must~~
1109 ~~retain \$5 for administrative purposes and must forward the \$25~~
1110 ~~to the governmental entity that issued the citation. Any funds~~
1111 received by a governmental entity for this violation may be used
1112 for any lawful purpose related to the operation or maintenance
1113 of a toll facility.

1114 (8) (a) Any person who fails to comply with the court's
1115 requirements or who fails to pay the civil penalties specified
1116 in this section within the 30-day period provided for in s.
1117 318.14 must pay an additional civil penalty of \$12, \$2.50 of
1118 which must be remitted to the Department of Revenue for deposit
1119 in the General Revenue Fund, and \$9.50 of which must be remitted
1120 to the Department of Revenue for deposit in the Highway Safety

1121 Operating Trust Fund. The department shall contract with the
1122 Florida Association of Court Clerks, Inc., to design, establish,
1123 operate, upgrade, and maintain an automated statewide Uniform
1124 Traffic Citation Accounting System to be operated by the clerks
1125 of the court which shall include, but not be limited to, the
1126 accounting for traffic infractions by type, a record of the
1127 disposition of the citations, and an accounting system for the
1128 fines assessed and the subsequent fine amounts paid to the
1129 clerks of the court. On or before December 1, 2001, the clerks
1130 of the court must provide the information required by this
1131 chapter to be transmitted to the department by electronic
1132 transmission pursuant to the contract.

1133 (b) Any person who fails to comply with the court's
1134 requirements as to civil penalties specified in this section due
1135 to demonstrable financial hardship shall be authorized to
1136 satisfy such civil penalties by public works or community
1137 service. Each hour of such service shall be applied, at the rate
1138 of the minimum wage, toward payment of the person's civil
1139 penalties; provided, however, that if the person has a trade or
1140 profession for which there is a community service need and
1141 application, the rate for each hour of such service shall be the
1142 average standard wage for such trade or profession. Any person
1143 who fails to comply with the court's requirements as to such
1144 civil penalties who does not demonstrate financial hardship may
1145 also, at the discretion of the court, be authorized to satisfy
1146 such civil penalties by public works or community service in the
1147 same manner.

1148 (c) If the noncriminal infraction has caused or resulted

1149 in the death of another, the person who committed the infraction
 1150 may perform 120 community service hours under s. 316.027(4), in
 1151 addition to any other penalties.

1152 (9) One hundred dollars for a violation of s. 316.1575.

1153 (10) Twenty-five dollars for a violation of s. 316.2074.

1154 (11)(a) In addition to the stated fine, court costs must
 1155 be paid in the following amounts and shall be deposited by the
 1156 clerk into the fine and forfeiture fund established pursuant to
 1157 s. 142.01:

1158

1159 For pedestrian infractions.....\$ 3.

1160 For nonmoving traffic infractions.....\$ 16.

1161 For moving traffic infractions.....\$ 30.

1162 (b) In addition to the court cost required under paragraph
 1163 (a), up to \$3 for each infraction shall be collected and
 1164 distributed by the clerk in those counties that have been
 1165 authorized to establish a criminal justice selection center or a
 1166 criminal justice access and assessment center pursuant to the
 1167 following special acts of the Legislature:

1168 1. Chapter 87-423, Laws of Florida, for Brevard County.

1169 2. Chapter 89-521, Laws of Florida, for Bay County.

1170 3. Chapter 94-444, Laws of Florida, for Alachua County.

1171 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1172

1173 Funds collected by the clerk pursuant to this paragraph shall be
 1174 distributed to the centers authorized by those special acts.

1175 (c) In addition to the court cost required under paragraph
 1176 (a), a \$2.50 court cost must be paid for each infraction to be

1177 distributed by the clerk to the county to help pay for criminal
1178 justice education and training programs pursuant to s. 938.15.
1179 Funds from the distribution to the county not directed by the
1180 county to fund these centers or programs shall be retained by
1181 the clerk and used for funding the court-related services of the
1182 clerk.

1183 (d) In addition to the court cost required under paragraph
1184 (a), a \$3 court cost must be paid for each infraction to be
1185 distributed as provided in s. 938.01 and a \$2 court cost as
1186 provided in s. 938.15 when assessed by a municipality or county.

1187 (12) Two hundred dollars for a violation of s. 316.520(1)
1188 or (2). If, at a hearing, the alleged offender is found to have
1189 committed this offense, the court shall impose a minimum civil
1190 penalty of \$200. For a second or subsequent adjudication within
1191 a period of 5 years, the department shall suspend the driver's
1192 license of the person for not less than 1 year and not more than
1193 2 years.

1194 (13) In addition to any penalties imposed for noncriminal
1195 traffic infractions pursuant to this chapter or imposed for
1196 criminal violations listed in s. 318.17, a board of county
1197 commissioners or any unit of local government which is
1198 consolidated as provided by s. 9, Art. VIII of the State
1199 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
1200 Constitution of 1968:

1201 (a) May impose by ordinance a surcharge of up to \$15 for
1202 any infraction or violation to fund state court facilities. The
1203 court shall not waive this surcharge. Up to 25 percent of the
1204 revenue from such surcharge may be used to support local law

1205 libraries provided that the county or unit of local government
1206 provides a level of service equal to that provided prior to July
1207 1, 2004, which shall include the continuation of library
1208 facilities located in or near the county courthouse or annexes.

1209 (b) That imposed increased fees or service charges by
1210 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
1211 purpose of securing payment of the principal and interest on
1212 bonds issued by the county before July 1, 2003, to finance state
1213 court facilities, may impose by ordinance a surcharge for any
1214 infraction or violation for the exclusive purpose of securing
1215 payment of the principal and interest on bonds issued by the
1216 county before July 1, 2003, to fund state court facilities until
1217 the date of stated maturity. The court shall not waive this
1218 surcharge. Such surcharge may not exceed an amount per violation
1219 calculated as the quotient of the maximum annual payment of the
1220 principal and interest on the bonds as of July 1, 2003, divided
1221 by the number of traffic citations for county fiscal year 2002-
1222 2003 certified as paid by the clerk of the court of the county.
1223 Such quotient shall be rounded up to the next highest dollar
1224 amount. The bonds may be refunded only if savings will be
1225 realized on payments of debt service and the refunding bonds are
1226 scheduled to mature on the same date or before the bonds being
1227 refunded. Notwithstanding any of the foregoing provisions of
1228 this paragraph that limit the use of surcharge revenues, if the
1229 revenues generated as a result of the adoption of this ordinance
1230 exceed the debt service on the bonds, the surplus revenues may
1231 be used to pay down the debt service on the bonds; fund other
1232 state-court-facility construction projects as may be certified

1233 by the chief judge as necessary to address unexpected growth in
 1234 caseloads, emergency requirements to accommodate public access,
 1235 threats to the safety of the public, judges, staff, and
 1236 litigants, or other exigent circumstances; or support local law
 1237 libraries in or near the county courthouse or annexes.

1238
 1239 A county may not impose both of the surcharges authorized under
 1240 paragraphs (a) and (b) concurrently. The clerk of court shall
 1241 report, no later than 30 days after the end of the quarter, the
 1242 amount of funds collected under this subsection during each
 1243 quarter of the fiscal year. The clerk shall submit the report,
 1244 in a format developed by the Office of State Courts
 1245 Administrator, to the chief judge of the circuit, the Governor,
 1246 the President of the Senate, and the Speaker of the House of
 1247 Representatives.

1248 (14) In addition to any penalties imposed for noncriminal
 1249 traffic infractions under this chapter or imposed for criminal
 1250 violations listed in s. 318.17, any unit of local government
 1251 that is consolidated as provided by s. 9, Art. VIII of the State
 1252 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1253 State Constitution of 1968, and that is granted the authority in
 1254 the State Constitution to exercise all the powers of a municipal
 1255 corporation, and any unit of local government operating under a
 1256 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
 1257 VIII of the State Constitution of 1885, as preserved by s. 6(e),
 1258 Art. VIII of the State Constitution of 1968, that is granted the
 1259 authority in the State Constitution to exercise all the powers
 1260 conferred now or hereafter by general law upon municipalities,

1261 may impose by ordinance a surcharge of up to \$15 for any
 1262 infraction or violation. Revenue from the surcharge shall be
 1263 transferred to such unit of local government for the purpose of
 1264 replacing fine revenue deposited into the clerk's fine and
 1265 forfeiture fund under s. 142.01. The court may not waive this
 1266 surcharge. Proceeds from the imposition of the surcharge
 1267 authorized in this subsection shall not be used for the purpose
 1268 of securing payment of the principal and interest on bonds. This
 1269 subsection, and any surcharge imposed pursuant to this
 1270 subsection, shall stand repealed September 30, 2007.

1271 (15) One hundred twenty-five dollars for a violation of s.
 1272 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1273 stop at a traffic signal. Sixty dollars shall be distributed as
 1274 provided in s. 318.21, and the remaining \$65 shall be remitted
 1275 to the Department of Revenue for deposit into the Administrative
 1276 Trust Fund of the Department of Health.

1277 (16) One hundred dollars for a violation of s. 316.622(3)
 1278 or (4), for a vehicle that fails to display a sticker
 1279 authorizing it to transport migrant or seasonal farm workers or
 1280 fails to display standardized notification instructions
 1281 requiring passengers to fasten their seat belts. Two hundred
 1282 dollars for a violation of s. 316.622(1) or (2), for operating a
 1283 farm labor vehicle that fails to conform to vehicle safety
 1284 standards or lacks seat belt assemblies at each passenger
 1285 position.

1286 (17) In addition to any penalties imposed, a surcharge of
 1287 \$3 must be paid for all criminal offenses listed in s. 318.17
 1288 and for all noncriminal moving traffic violations under chapter

1289 316. Revenue from the surcharge shall be remitted to the
 1290 Department of Revenue and deposited quarterly into the State
 1291 Agency Law Enforcement Radio System Trust Fund of the Department
 1292 of Management Services for the state agency law enforcement
 1293 radio system, as described in s. 282.1095. This subsection
 1294 expires July 1, 2012.

1295 Section 18. Subsection (17) is added to section 318.21,
 1296 Florida Statutes, to read:

1297 318.21 Disposition of civil penalties by county
 1298 courts.--All civil penalties received by a county court pursuant
 1299 to the provisions of this chapter shall be distributed and paid
 1300 monthly as follows:

1301 (17) Notwithstanding subsections (1) and (2), the proceeds
 1302 from the surcharge imposed under s. 318.18(17) shall be
 1303 distributed as provided in that subsection. This subsection
 1304 expires July 1, 2012.

1305 Section 19. Section 320.061, Florida Statutes, is amended
 1306 to read:

1307 320.061 Unlawful to alter motor vehicle registration
 1308 certificates, license plates, mobile home stickers, or
 1309 validation stickers or to obscure license plates; penalty.--No
 1310 person shall alter the original appearance of any registration
 1311 license plate, mobile home sticker, validation sticker, or
 1312 vehicle registration certificate issued for and assigned to any
 1313 motor vehicle or mobile home, whether by mutilation, alteration,
 1314 defacement, or change of color or in any other manner. No person
 1315 shall apply or attach any substance, reflective matter,
 1316 illuminated device, spray, coating, covering, or other material

1317 onto or around any license plate that interferes with the
1318 legibility, angular visibility, or detectability of any feature
1319 or detail on the license plate or interferes with the ability to
1320 photograph or otherwise record any feature or detail on the
1321 license plate. Any person who violates ~~the provisions of this~~
1322 section commits ~~is guilty of~~ a misdemeanor of the second degree,
1323 punishable as provided in s. 775.082 or s. 775.083.

1324 Section 20. Paragraph (c) of subsection (6) and subsection
1325 (8) of section 332.007, Florida Statutes, are amended to read:

1326 332.007 Administration and financing of aviation and
1327 airport programs and projects; state plan.--

1328 (6) Subject to the availability of appropriated funds, the
1329 department may participate in the capital cost of eligible
1330 public airport and aviation development projects in accordance
1331 with the following rates, unless otherwise provided in the
1332 General Appropriations Act or the substantive bill implementing
1333 the General Appropriations Act:

1334 (c) When federal funds are not available, the department
1335 may fund up to 80 percent of master planning and eligible
1336 aviation development projects at publicly owned, publicly
1337 operated airports. If federal funds are available, the
1338 department may fund up to 80 percent of the nonfederal share of
1339 such projects. Such funding is limited to airports that have no
1340 scheduled commercial service.

1341 (8) Notwithstanding any other provision of law to the
1342 contrary, the department is authorized to fund security projects
1343 at ~~provide operational and maintenance assistance to~~ publicly
1344 owned public-use airports. ~~Such assistance shall be to comply~~

1345 ~~with enhanced federal security requirements or to address~~
 1346 ~~related economic impacts from the events of September 11, 2001.~~
 1347 For projects in the current adopted work program, or projects
 1348 added using the available budget of the department, airports may
 1349 request the department change the project purpose in accordance
 1350 with this provision notwithstanding the provisions of s.
 1351 339.135(7). For purposes of this subsection, the department may
 1352 fund up to 100 percent of eligible project costs that are not
 1353 funded by the Federal Government. ~~Prior to releasing any funds~~
 1354 ~~under this section, the department shall review and approve the~~
 1355 ~~expenditure plans submitted by the airport. The department shall~~
 1356 ~~inform the Legislature of any change that it approves under this~~
 1357 ~~subsection.~~ This subsection shall expire on June 30, 2012 ~~2007~~.

1358 Section 21. Subsection (4) of section 332.14, Florida
 1359 Statutes, is amended to read:

1360 332.14 Secure Airports for Florida's Economy Council.--

1361 (4) The council shall adopt bylaws governing the manner in
 1362 which the business of the council will be conducted. The bylaws
 1363 shall specify the procedure by which the chair of the council is
 1364 elected. The council shall meet at the call of its chair, at the
 1365 request of a majority of its membership, or at such times as may
 1366 be prescribed in its bylaws. However, the council must meet at
 1367 least twice a year. Except for the members under paragraphs
 1368 (2) (d), (e), and (f), all members of the council are voting
 1369 members. A majority of voting members of the council constitutes
 1370 a quorum for the purpose of transacting the business of the
 1371 council. A vote of the majority of the members present is
 1372 sufficient for any action of the council, except that a member

1373 representing the Department of Transportation, the Department of
 1374 Community Affairs, the Department of Law Enforcement, or the
 1375 Office of Tourism, Trade, and Economic Development may ~~vote to~~
 1376 overrule any action of the council approving a project pursuant
 1377 to paragraph (7) (a). The bylaws of the council may require a
 1378 greater vote for a particular action.

1379 Section 22. Paragraph (c) of subsection (1) of section
 1380 336.025, Florida Statutes, is amended to read:

1381 336.025 County transportation system; levy of local option
 1382 fuel tax on motor fuel and diesel fuel.--

1383 (1)

1384 (c) Local governments may use the services of the Division
 1385 of Bond Finance of the State Board of Administration pursuant to
 1386 the State Bond Act to issue any bonds through the provisions of
 1387 this section and may pledge the revenues from local option fuel
 1388 taxes to secure the payment of the bonds. ~~In no case may a~~
 1389 ~~jurisdiction issue bonds pursuant to this section more~~
 1390 ~~frequently than once per year.~~ Counties and municipalities may
 1391 join together for the issuance of bonds issued pursuant to this
 1392 section.

1393 Section 23. Subsection (3) of section 336.41, Florida
 1394 Statutes, is amended to read:

1395 336.41 Counties; employing labor and providing road
 1396 equipment; accounting; when competitive bidding required.--

1397 (3) All construction and reconstruction of roads and
 1398 bridges, including resurfacing, full scale mineral seal coating,
 1399 and major bridge and bridge system repairs, to be performed
 1400 utilizing the proceeds of the 80-percent portion of the surplus

1401 of the constitutional gas tax shall be let to contract to the
 1402 lowest responsible bidder by competitive bid, except for:

1403 (a) Construction and maintenance in emergency situations,
 1404 and

1405 (b) In addition to emergency work, construction and
 1406 reconstruction, including resurfacing, mineral seal coating, and
 1407 bridge repairs, having a total cumulative annual value not to
 1408 exceed 5 percent of its 80-percent portion of the constitutional
 1409 gas tax or \$400,000 ~~\$250,000~~, whichever is greater, and

1410 (c) Construction of sidewalks, curbing, accessibility
 1411 ramps, or appurtenances incidental to roads and bridges if each
 1412 project is estimated in accordance with generally accepted cost-
 1413 accounting principles to have total construction project costs
 1414 of less than \$400,000 or as adjusted by the percentage change in
 1415 the Construction Cost Index from January 1, 2008,

1416
 1417 for which the county may utilize its own forces. However, if,
 1418 after proper advertising, no bids are received by a county for a
 1419 specific project, the county may use its own forces to construct
 1420 the project, notwithstanding the limitation of this subsection.
 1421 Nothing in this section shall prevent the county from performing
 1422 routine maintenance as authorized by law.

1423 Section 24. Construction aggregate materials.--

1424 (1) DEFINITIONS.--"Construction aggregate materials" means
 1425 crushed stone, limestone, dolomite, limerock, shell rock,
 1426 cemented coquina, sand for use as a component of mortars,
 1427 concrete, bituminous mixtures, or underdrain filters, and other
 1428 mined resources providing the basic material for concrete,

1429 asphalt, and road base.

1430 (2) LEGISLATIVE INTENT.--The Legislature finds that there
1431 is a strategic and critical need for an available supply of
1432 construction aggregate materials within the state and that a
1433 disruption of the supply would cause a significant detriment to
1434 the state's construction industry, transportation system, and
1435 overall health, safety, and welfare.

1436 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government
1437 shall approve or deny a proposed land use zoning change,
1438 comprehensive plan amendment, land use permit, ordinance, or
1439 order regarding construction aggregate materials without
1440 considering any information provided by the Department of
1441 Transportation regarding the effect such change, amendment,
1442 permit decision, ordinance, or order would have on the
1443 availability, transportation, and potential extraction of
1444 construction aggregate materials on the local area, the region,
1445 and the state. The failure of the Department of Transportation
1446 to provide this information shall not be a basis for delay or
1447 invalidation of the local government action. No local government
1448 may impose a moratorium, or combination of moratoria, of more
1449 than 12 months' duration on the mining or extraction of
1450 construction aggregate materials, commencing on the date the
1451 vote was taken to impose the moratorium. January 1, 2007, shall
1452 serve as the commencement of the 12-month period for moratoria
1453 already in place as of July 1, 2007.

1454 (4) EXPEDITED PERMITTING.--Due to the state's critical
1455 infrastructure needs and the potential shortfall in available
1456 construction aggregate materials, limerock environmental

1457 resource permitting and reclamation applications filed after
 1458 March 1, 2007, are eligible for the expedited permitting
 1459 processes contained in s. 403.973, Florida Statutes. Challenges
 1460 to state agency action in the expedited permitting process for
 1461 establishment of a limerock mine in this state under s. 403.973,
 1462 Florida Statutes, are subject to the same requirements as
 1463 challenges brought under s. 403.973(15)(a), Florida Statutes,
 1464 except that, notwithstanding s. 120.574, Florida Statutes,
 1465 summary proceedings must be conducted within 30 days after a
 1466 party files the motion for summary hearing, regardless of
 1467 whether the parties agree to the summary proceeding.

1468 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1469 (a) The Strategic Aggregates Review Task Force is created
 1470 to evaluate the availability and disposition of construction
 1471 aggregate materials and related mining and land use practices in
 1472 this state.

1473 (b) The task force shall be appointed by August 1, 2007,
 1474 and shall be composed of the following 19 members:

1475 1. The President of the Senate, the Speaker of the House
 1476 of Representatives, and the Governor shall each appoint one
 1477 member from each of the following groups:

1478 a. The mining industry.

1479 b. The construction industry.

1480 c. The transportation industries, including seaports,
 1481 trucking, railroads, or roadbuilders.

1482 d. Elected officials representing counties identified by
 1483 the Department of Transportation as limestone or sand resource
 1484 areas. Rural, midsize, and urban counties shall each have one

1485 elected official on the task force.

1486 e. Environmental advocacy groups.

1487 2. The Secretary of Environmental Protection or designee.

1488 3. The Secretary of Community Affairs or designee.

1489 4. The Secretary of Transportation or designee.

1490 5. One member appointed by the Florida League of Cities,

1491 Inc.

1492 (c) Members of the commission shall serve without

1493 compensation. Travel and per diem expenses for members who are

1494 not state employees shall be paid by the Department of

1495 Transportation in accordance with s. 112.061, Florida Statutes.

1496 (d) The Department of Transportation shall organize and

1497 provide administrative support for the task force and coordinate

1498 with other state agencies and local governments in obtaining and

1499 providing such data and information as may be needed by the task

1500 force to complete its evaluation. The department may conduct any

1501 supporting studies as are required to obtain needed information

1502 or otherwise assist the task force in its review and

1503 deliberations.

1504 (e) The Department of Transportation shall collect and

1505 provide information to the task force relating to construction

1506 aggregate materials and the amount of such materials used by the

1507 department on state road infrastructure projects and shall

1508 provide any technical and supporting information relating to the

1509 use of such materials as is available to the department.

1510 (f) The task force shall report its findings to the

1511 Governor, the President of the Senate, and the Speaker of the

1512 House of Representatives by February 1, 2008. The report must

1513 identify locations with significant concentrations of
1514 construction aggregate materials and recommend actions intended
1515 to ensure the continued extraction and availability of
1516 construction aggregate materials.

1517 (g) The task force shall be dissolved on July 1, 2008.

1518 Section 25. Section 337.026, Florida Statutes, is created
1519 to read:

1520 337.026 Authority of department to enter into agreements
1521 for construction aggregate materials.--

1522 (1) The department may pursue innovative contractual or
1523 engineering techniques that will provide the department with
1524 reliable and economic supplies of construction aggregate
1525 materials and control time and cost increases on construction
1526 projects.

1527 (2) The department may enter into agreements with private
1528 or public entities. Such agreements may include, but are not
1529 limited to, department acquisition of materials or resources or
1530 long-term leases for a term not to exceed 99 years that will
1531 advance the state's transportation needs.

1532 (3) To the maximum extent practical, the department must
1533 use the existing process to award and administer such innovative
1534 contractual or engineering techniques. When specific contractual
1535 or engineering techniques are to be used, the department is not
1536 required to adhere to provisions of law that would prevent,
1537 preclude, or prohibit it from using the contractual or
1538 engineering technique. However, prior to using an innovative
1539 contractual or engineering technique that is inconsistent with
1540 another provision of law, the department must document in

1541 writing the need for the exception and identify the benefits the
1542 traveling public and the affected community are anticipated to
1543 receive.

1544 Section 26. Paragraph (a) of subsection (3) of section
1545 337.11, Florida Statutes, is amended to read:

1546 337.11 Contracting authority of department; bids;
1547 emergency repairs, supplemental agreements, and change orders;
1548 combined design and construction contracts; progress payments;
1549 records; requirements of vehicle registration.--

1550 (3) (a) On all construction contracts of \$250,000 or less,
1551 and any construction contract of less than \$500,000 for which
1552 the department has waived prequalification under s. 337.14, the
1553 department shall advertise for bids in a newspaper having
1554 general circulation in the county where the proposed work is
1555 located. Publication shall be at least once a week for no less
1556 than 2 consecutive weeks, and the first publication shall be no
1557 less than 14 days prior to the date on which bids are to be
1558 received.

1559 Section 27. Subsection (1) of section 337.14, Florida
1560 Statutes, is amended to read:

1561 337.14 Application for qualification; certificate of
1562 qualification; restrictions; request for hearing.--

1563 (1) Any person desiring to bid for the performance of any
1564 construction contract in excess of \$250,000 which the department
1565 proposes to let must first be certified by the department as
1566 qualified pursuant to this section and rules of the department.
1567 The rules of the department shall address the qualification of
1568 persons to bid on construction contracts in excess of \$250,000

1569 and shall include requirements with respect to the equipment,
1570 past record, experience, financial resources, and organizational
1571 personnel of the applicant necessary to perform the specific
1572 class of work for which the person seeks certification. The
1573 department is authorized to limit the dollar amount of any
1574 contract upon which a person is qualified to bid or the
1575 aggregate total dollar volume of contracts such person is
1576 allowed to have under contract at any one time. Each applicant
1577 seeking qualification to bid on construction contracts in excess
1578 of \$250,000 shall furnish the department a statement under oath,
1579 on such forms as the department may prescribe, setting forth
1580 detailed information as required on the application. Each
1581 application for certification shall be accompanied by the latest
1582 annual financial statement of the applicant completed within the
1583 last 12 months. If the annual financial statement shows the
1584 financial condition of the applicant more than 4 months prior to
1585 the date on which the application is received by the department,
1586 then an interim financial statement must also be submitted. The
1587 interim financial statement must cover the period from the end
1588 date of the annual statement and must show the financial
1589 condition of the applicant no more than 4 months prior to the
1590 date on which the application is received by the department.
1591 Each required annual or interim financial statement must be
1592 audited and accompanied by the opinion of a certified public
1593 accountant or a public accountant approved by the department.
1594 The information required by this subsection is confidential and
1595 exempt from the provisions of s. 119.07(1). The department
1596 shall act upon the application for qualification within 30 days

1597 after the department determines that the application is
 1598 complete. The department may waive the requirements of this
 1599 subsection for projects having a contract price of \$500,000 or
 1600 less if the department determines that the project is of a
 1601 noncritical nature and the waiver will not endanger public
 1602 health, safety, or property.

1603 Section 28. Paragraph (a) of subsection (1) of section
 1604 337.18, Florida Statutes, is amended to read:

1605 337.18 Surety bonds for construction or maintenance
 1606 contracts; requirement with respect to contract award; bond
 1607 requirements; defaults; damage assessments.--

1608 (1)(a) A surety bond shall be required of the successful
 1609 bidder in an amount equal to the awarded contract price.
 1610 However, the department may choose, in its discretion and
 1611 applicable only to multiyear maintenance contracts, to allow for
 1612 incremental annual contract bonds that cumulatively total the
 1613 full, awarded, multiyear contract price. For a project for which
 1614 the contract price is \$250,000 ~~\$150,000~~ or less, the department
 1615 may waive the requirement for all or a portion of a surety bond
 1616 if it determines the project is of a noncritical nature and
 1617 nonperformance will not endanger public health, safety, or
 1618 property. If the secretary or his designee determines that it is
 1619 in the best interests of the department to reduce the bonding
 1620 requirement for a project and that to do so will not endanger
 1621 public health, safety, or property, the department may waive the
 1622 requirement of a surety bond in an amount equal to the awarded
 1623 contract price for a project having a contract price of \$250
 1624 million or more and, in its place, may set a surety bond amount

1625 that is a portion of the total contract price and provide an
1626 alternate means of security for the balance of the contract
1627 amount that is not covered by the surety bond or provide for
1628 incremental surety bonding and provide an alternate means of
1629 security for the balance of the contract amount that is not
1630 covered by the surety bond. Such alternative means of security
1631 may include letters of credit, United States bonds and notes,
1632 parent company guarantees, and cash collateral. The department
1633 may require alternate means of security if a surety bond is
1634 waived. The surety on such bond shall be a surety company
1635 authorized to do business in the state. All bonds shall be
1636 payable to the department and conditioned for the prompt,
1637 faithful, and efficient performance of the contract according to
1638 plans and specifications and within the time period specified,
1639 and for the prompt payment of all persons defined in s. 713.01
1640 furnishing labor, material, equipment, and supplies for work
1641 provided in the contract; however, whenever an improvement,
1642 demolition, or removal contract price is \$25,000 or less, the
1643 security may, in the discretion of the bidder, be in the form of
1644 a cashier's check, bank money order of any state or national
1645 bank, certified check, or postal money order. The department
1646 shall adopt rules to implement this subsection. Such rules shall
1647 include provisions under which the department shall refuse to
1648 accept bonds on contracts when a surety wrongfully fails or
1649 refuses to settle or provide a defense for claims or actions
1650 arising under a contract for which the surety previously
1651 furnished a bond.

1652 Section 29. Subsection (3) is added to section 338.161,

1653 Florida Statutes, to read:

1654 338.161 Authority of department or toll agencies to
 1655 advertise and promote electronic toll collection; expanded uses
 1656 of electronic toll collection system; studies authorized.--

1657 (3) (a) The department or any toll agency created by
 1658 statute may incur expenses to advertise or promote its
 1659 electronic toll collection system to consumers on or off the
 1660 turnpike or toll system.

1661 (b) If the department or any toll agency created by
 1662 statute finds that it can increase nontoll revenues or add
 1663 convenience or other value for its customers, the department or
 1664 toll agency may enter into agreements with any private or public
 1665 entity allowing the use of its electronic toll collection system
 1666 to pay parking fees for vehicles equipped with a transponder or
 1667 similar device. The department or toll agency may initiate
 1668 feasibility studies of additional future uses of its electronic
 1669 toll collection system and make recommendations to the
 1670 Legislature to authorize such uses.

1671 Section 30. Subsections (1), (3), and (4) of section
 1672 338.2275, Florida Statutes, are amended to read:

1673 338.2275 Approved turnpike projects.--

1674 (1) Legislative approval of the department's tentative
 1675 work program that contains the turnpike project constitutes
 1676 approval to issue bonds as required by s. 11(f), Art. VII of the
 1677 State Constitution. No more than \$10 billion of bonds may be
 1678 outstanding to fund approved turnpike projects. Turnpike
 1679 ~~projects approved to be included in future tentative work~~
 1680 ~~programs include, but are not limited to, projects contained in~~

1681 the ~~2003-2004 tentative work program. A maximum of \$4.5 billion~~
 1682 ~~of bonds may be issued to fund approved turnpike projects.~~

1683 ~~(3) Subject to verification of economic feasibility by the~~
 1684 ~~department in accordance with s. 338.221(8), the department~~
 1685 ~~shall acquire the assets and assume the liabilities of the~~
 1686 ~~Sawgrass Expressway as a candidate project from the Broward~~
 1687 ~~County Expressway Authority. The agreement to acquire the~~
 1688 ~~Sawgrass Expressway shall be subject to the terms and covenants~~
 1689 ~~of the Broward County Expressway Authority Bond Series 1984 and~~
 1690 ~~1986A lease-purchase agreements and shall not act to the~~
 1691 ~~detriment of the bondholders nor decrease the quality of the~~
 1692 ~~bonds. The department shall provide for the cost of operations~~
 1693 ~~and maintenance expenses and for the replacement of future~~
 1694 ~~Broward County gasoline tax funds pledged for the payment of~~
 1695 ~~principal and interest on such bonds. The department shall~~
 1696 ~~repay, to the extent possible, Broward County gasoline tax funds~~
 1697 ~~used since July 6, 1988, for debt service on such bonds. For the~~
 1698 ~~purpose of calculating the economic feasibility of this project,~~
 1699 ~~the department is authorized to exclude operations and~~
 1700 ~~maintenance expenses accumulated between July 6, 1988, and the~~
 1701 ~~date of the agreement. Upon performance of all terms of the~~
 1702 ~~agreement between the parties, the Sawgrass Expressway will~~
 1703 ~~become a part of the turnpike system.~~

1704 ~~(3)~~(4) Bonds may not be issued to fund a turnpike project
 1705 until the department has made a final determination that the
 1706 project is economically feasible in accordance with s. 338.221,
 1707 based on the most current information available.

1708 Section 31. Subsections (3), (4), and (6) of section

1709 338.231, Florida Statutes, are amended to read:

1710 338.231 Turnpike tolls, fixing; pledge of tolls and other
1711 revenues.--The department shall at all times fix, adjust,
1712 charge, and collect such tolls for the use of the turnpike
1713 system as are required in order to provide a fund sufficient
1714 with other revenues of the turnpike system to pay the cost of
1715 maintaining, improving, repairing, and operating such turnpike
1716 system; to pay the principal of and interest on all bonds issued
1717 to finance or refinance any portion of the turnpike system as
1718 the same become due and payable; and to create reserves for all
1719 such purposes.

1720 (3) (a) The department shall publish a proposed change in
1721 the toll rate for the use of an existing toll facility, in the
1722 manner provided for in s. 120.54, which will provide for public
1723 notice and the opportunity for a public hearing before the
1724 adoption of the proposed rate change. When the department is
1725 evaluating a proposed turnpike toll project under s. 338.223 and
1726 has determined that there is a high probability that the project
1727 will pass the test of economic feasibility predicated on
1728 proposed toll rates, the toll rate that is proposed to be
1729 charged after the project is constructed must be adopted during
1730 the planning and project development phase of the project, in
1731 the manner provided for in s. 120.54, including public notice
1732 and the opportunity for a public hearing. For such a new
1733 project, the toll rate becomes effective upon the opening of the
1734 project to traffic.

1735 (b) The department may also fix, adjust, charge, and
1736 collect transaction fees and collection fees related to tolls

1737 not paid at the time the toll is incurred. The department shall
 1738 publish its proposed fees in the manner provided for in s.
 1739 120.54, which will provide for public notice and the opportunity
 1740 for a public hearing before the adoption of the proposed fees.
 1741 Any fee so established shall be added to the unpaid toll amount
 1742 due and payable to the department.

1743 (4) For the period July 1, 1998, through June 30, 2017
 1744 ~~2007~~, the department shall, to the maximum extent feasible,
 1745 program sufficient funds in the tentative work program such that
 1746 the percentage of turnpike toll and bond financed commitments in
 1747 Dade County, Broward County, and Palm Beach County as compared
 1748 to total turnpike toll and bond financed commitments shall be at
 1749 least 90 percent of the share of net toll collections
 1750 attributable to users of the turnpike system in Dade County,
 1751 Broward County, and Palm Beach County as compared to total net
 1752 toll collections attributable to users of the turnpike system.
 1753 The requirements of this subsection do not apply when the
 1754 application of such requirements would violate any covenant
 1755 established in a resolution or trust indenture relating to the
 1756 issuance of turnpike bonds.

1757 (6) In each fiscal year while any of the bonds of the
 1758 Broward County Expressway Authority series 1984 and series 1986-
 1759 A remain outstanding, the department is authorized to pledge
 1760 revenues from the turnpike system to the payment of principal
 1761 and interest of such series of bonds, ~~the repayment of Broward~~
 1762 ~~County gasoline tax funds as provided in s. 338.2275(3),~~ and the
 1763 operation and maintenance expenses of the Sawgrass Expressway,
 1764 to the extent gross toll revenues of the Sawgrass Expressway are

1765 insufficient to make such payments. The terms of an agreement
 1766 relative to the pledge of turnpike system revenue will be
 1767 negotiated with the parties of the 1984 and 1986 Broward County
 1768 Expressway Authority lease-purchase agreements, and subject to
 1769 the covenants of those agreements. The agreement shall establish
 1770 that the Sawgrass Expressway shall be subject to the planning,
 1771 management, and operating control of the department limited only
 1772 by the terms of the lease-purchase agreements. The department
 1773 shall provide for the payment of operation and maintenance
 1774 expenses of the Sawgrass Expressway until such agreement is in
 1775 effect. This pledge of turnpike system revenues shall be
 1776 subordinate to the debt service requirements of any future issue
 1777 of turnpike bonds, the payment of turnpike system operation and
 1778 maintenance expenses, and subject to provisions of any
 1779 subsequent resolution or trust indenture relating to the
 1780 issuance of such turnpike bonds.

1781 Section 32. Paragraphs (c) and (d) of subsection (7) of
 1782 section 339.135, Florida Statutes, are amended to read:

1783 339.135 Work program; legislative budget request;
 1784 definitions; preparation, adoption, execution, and amendment.--

1785 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1786 (c) The department may amend the adopted work program to
 1787 transfer fixed capital outlay appropriations for projects within
 1788 the same appropriations category or between appropriations
 1789 categories, including the following amendments which shall be
 1790 subject to the procedures in paragraph (d):

1791 1. Any amendment that ~~which~~ deletes any project or project
 1792 phase;

1793 2. Any amendment that ~~which~~ adds a project estimated to
 1794 cost over \$150,000 in funds appropriated by the Legislature;
 1795 3. Any amendment that ~~which~~ advances or defers to another
 1796 fiscal year, a right-of-way phase, a construction phase, or a
 1797 public transportation project phase estimated to cost over
 1798 \$500,000 in funds appropriated by the Legislature, except an
 1799 amendment advancing or deferring a phase for a period of 90 days
 1800 or less; or
 1801 4. Any amendment that ~~which~~ advances or defers to another
 1802 fiscal year, any preliminary engineering phase or design phase
 1803 estimated to cost over \$150,000 in funds appropriated by the
 1804 Legislature, except an amendment advancing or deferring a phase
 1805 for a period of 90 days or less.
 1806 (d)1. Whenever the department proposes any amendment to
 1807 the adopted work program, which amendment is defined in
 1808 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 1809 subparagraph (c)4., it shall submit the proposed amendment to
 1810 the Governor for approval and shall immediately notify the
 1811 chairs of the legislative appropriations committees, the chairs
 1812 of the legislative transportation committees, each member of the
 1813 Legislature who represents a district affected by the proposed
 1814 amendment, each metropolitan planning organization affected by
 1815 the proposed amendment, and each unit of local government
 1816 affected by the proposed amendment. Such proposed amendment
 1817 shall provide a complete justification of the need for the
 1818 proposed amendment.
 1819 2.a. Whenever the department proposes any amendment to the
 1820 adopted work program, which amendment is defined in subparagraph

1821 (c)1., subparagraph (c)2., subparagraph (c)3., or subparagraph
1822 (c)4., to a project or project phase scheduled within the first
1823 3 years of the work program which would have the effect of
1824 deleting or delaying programmed improvements in traffic-carrying
1825 capacity, as typically measured by a local government's
1826 concurrency management system, it shall notify each local
1827 government and each metropolitan planning organization affected
1828 by the amendment. The notification must be sent by either
1829 certified mail or return receipt requested electronic mail to
1830 the chief elected official of each local government and
1831 metropolitan planning organization. Each affected local
1832 government shall have 14 days to provide written comments to the
1833 department regarding how the amendment will impact its
1834 respective concurrency management system, including whether any
1835 development permits were issued contingent upon the capacity
1836 improvement, if applicable, of the subject amendment.

1837 b. After the department's receipt of written comments from
1838 the affected local governments, the department shall submit the
1839 proposed amendment to the Governor for approval and shall
1840 immediately notify the chairs of the legislative appropriations
1841 committees, the chairs of the legislative transportation
1842 committees, each member of the Legislature who represents a
1843 district affected by the proposed amendment, each metropolitan
1844 planning organization affected by the proposed amendment, and
1845 each unit of local government affected by the proposed
1846 amendment. Such proposed amendment shall provide a complete
1847 justification of the need for the proposed amendment and include
1848 any written comments submitted by the affected local

1849 governments.

1850 ~~3.2-~~ The Governor shall not approve a proposed amendment
 1851 until 14 days following the notification required in
 1852 subparagraph 1.

1853 ~~4.3-~~ If either of the chairs of the legislative
 1854 appropriations committees or the President of the Senate or the
 1855 Speaker of the House of Representatives objects in writing to a
 1856 proposed amendment within 14 days following notification and
 1857 specifies the reasons for such objection, the Governor shall
 1858 disapprove the proposed amendment.

1859 Section 33. Section 339.175, Florida Statutes, is amended
 1860 to read:

1861 339.175 Metropolitan planning organization.--

1862 (1) PURPOSE.--It is the intent of the Legislature to
 1863 encourage and promote the safe and efficient management,
 1864 operation, and development of surface transportation systems
 1865 that will serve the mobility needs of people and freight and
 1866 foster economic growth and development within and through
 1867 urbanized areas of this state while minimizing transportation-
 1868 related fuel consumption and air pollution through metropolitan
 1869 transportation planning processes identified in this section. To
 1870 accomplish these objectives, metropolitan planning
 1871 organizations, referred to in this section as M.P.O.'s, shall
 1872 develop, in cooperation with the state and public transit
 1873 operators, transportation plans and programs for metropolitan
 1874 areas. The plans and programs for each metropolitan area must
 1875 provide for the development and integrated management and
 1876 operation of transportation systems and facilities, including

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

1894 (2)~~(1)~~ DESIGNATION.--

1895 (a)1. An M.P.O. shall be designated for each urbanized
 1896 area of the state; however, this does not require that an
 1897 individual M.P.O. be designated for each such area. Such
 1898 designation shall be accomplished by agreement between the
 1899 Governor and units of general-purpose local government
 1900 representing at least 75 percent of the population of the
 1901 urbanized area; however, the unit of general-purpose local
 1902 government that represents the central city or cities within the
 1903 M.P.O. jurisdiction, as defined by the United States Bureau of
 1904 the Census, must be a party to such agreement.

1905 2. More than one M.P.O. may be designated within an
1906 existing metropolitan planning area only if the Governor and the
1907 existing M.P.O. determine that the size and complexity of the
1908 existing metropolitan planning area makes the designation of
1909 more than one M.P.O. for the area appropriate.

1910 (b) Each M.P.O. designated in a manner prescribed by Title
1911 23 U.S.C. shall be created and operated under the provisions of
1912 this section pursuant to an interlocal agreement entered into
1913 pursuant to s. 163.01. The signatories to the interlocal
1914 agreement shall be the department and the governmental entities
1915 designated by the Governor for membership on the M.P.O. Each
1916 M.P.O. shall be considered separate from the state or the
1917 governing body of a local government that is represented on the
1918 governing board of the M.P.O. or that is a signatory to the
1919 interlocal agreement creating the M.P.O. and shall have such
1920 powers and privileges as are provided under s. 163.01. If there
1921 is a conflict between this section and s. 163.01, this section
1922 prevails.

1923 (c) The jurisdictional boundaries of an M.P.O. shall be
1924 determined by agreement between the Governor and the applicable
1925 M.P.O. The boundaries must include at least the metropolitan
1926 planning area, which is the existing urbanized area and the
1927 contiguous area expected to become urbanized within a 20-year
1928 forecast period, and may encompass the entire metropolitan
1929 statistical area or the consolidated metropolitan statistical
1930 area.

1931 (d) In the case of an urbanized area designated as a
1932 nonattainment area for ozone or carbon monoxide under the Clean

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

1943 (e) The governing body of the M.P.O. shall designate, at a
 1944 minimum, a chair, vice chair, and agency clerk. The chair and
 1945 vice chair shall be selected from among the member delegates
 1946 comprising the governing board. The agency clerk shall be
 1947 charged with the responsibility of preparing meeting minutes and
 1948 maintaining agency records. The clerk shall be a member of the
 1949 M.P.O. governing board, an employee of the M.P.O., or other
 1950 natural person.

1951
 1952 Each M.P.O. required under this section must be fully operative
 1953 no later than 6 months following its designation.

1954 (3)~~(2)~~ VOTING MEMBERSHIP.--

1955 (a) The voting membership of an M.P.O. shall consist of
 1956 not fewer than 5 or more than 19 apportioned members, the exact
 1957 number to be determined on an equitable geographic-population
 1958 ratio basis by the Governor, based on an agreement among the
 1959 affected units of general-purpose local government as required
 1960 by federal rules and regulations. The Governor, in accordance

1961 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 1962 represent municipalities to alternate with representatives from
 1963 other municipalities within the metropolitan planning area that
 1964 do not have members on the M.P.O. County commission members
 1965 shall compose not less than one-third of the M.P.O. membership,
 1966 except for an M.P.O. with more than 15 members located in a
 1967 county with a 5-member ~~five-member~~ county commission or an
 1968 M.P.O. with 19 members located in a county with no more than 6
 1969 county commissioners, in which case county commission members
 1970 may compose less than one-third percent of the M.P.O.
 1971 membership, but all county commissioners must be members. All
 1972 voting members shall be elected officials of general-purpose
 1973 local governments, except that an M.P.O. may include, as part of
 1974 its apportioned voting members, a member of a statutorily
 1975 authorized planning board, an official of an agency that
 1976 operates or administers a major mode of transportation, or an
 1977 official of the Florida Space Authority. As used in this
 1978 section, the term "elected officials of a general-purpose local
 1979 government" shall exclude constitutional officers, including
 1980 sheriffs, tax collectors, supervisors of elections, property
 1981 appraisers, clerks of the court, and similar types of officials.
 1982 County commissioners ~~The county commission~~ shall compose not
 1983 less than 20 percent of the M.P.O. membership if an official of
 1984 an agency that operates or administers a major mode of
 1985 transportation has been appointed to an M.P.O.
 1986 (b) In metropolitan areas in which authorities or other
 1987 agencies have been or may be created by law to perform
 1988 transportation functions and are performing transportation

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

1997 (c) Any other provision of this section to the contrary
 1998 notwithstanding, a chartered county with over 1 million
 1999 population may elect to reapportion the membership of an M.P.O.
 2000 whose jurisdiction is wholly within the county. The charter
 2001 county may exercise the provisions of this paragraph if:

2002 1. The M.P.O. approves the reapportionment plan by a
 2003 three-fourths vote of its membership;

2004 2. The M.P.O. and the charter county determine that the
 2005 reapportionment plan is needed to fulfill specific goals and
 2006 policies applicable to that metropolitan planning area; and

2007 3. The charter county determines the reapportionment plan
 2008 otherwise complies with all federal requirements pertaining to
 2009 M.P.O. membership.

2010
 2011 Any charter county that elects to exercise the provisions of
 2012 this paragraph shall notify the Governor in writing.

2013 (d) Any other provision of this section to the contrary
 2014 notwithstanding, any county chartered under s. 6(e), Art. VIII
 2015 of the State Constitution may elect to have its county
 2016 commission serve as the M.P.O., if the M.P.O. jurisdiction is

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

2028 (4)~~(3)~~ APPORTIONMENT.--

2029 (a) The Governor shall, with the agreement of the affected
 2030 units of general-purpose local government as required by federal
 2031 rules and regulations, apportion the membership on the
 2032 applicable M.P.O. among the various governmental entities within
 2033 the area. At the request of a majority of the affected units of
 2034 general-purpose local government comprising an M.P.O., the
 2035 Governor and a majority of units of general-purpose local
 2036 government serving on an M.P.O. shall cooperatively agree upon
 2037 and prescribe who may serve as an alternate member and shall
 2038 ~~prescribe~~ a method for appointing alternate members who may vote
 2039 at any M.P.O. meeting that an alternate member attends in place
 2040 of a regular member. The method shall be set forth as a part of
 2041 the interlocal agreement describing the M.P.O.'s membership or
 2042 in the M.P.O.'s operating procedures and bylaws. ~~An appointed~~
 2043 ~~alternate member must be an elected official serving the same~~
 2044 ~~governmental entity or a general purpose local government with~~

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

2066 (b) Except for members who represent municipalities on the
 2067 basis of alternating with representatives from other
 2068 municipalities that do not have members on the M.P.O. as
 2069 provided in paragraph (3) (a) ~~(2)(a)~~, the members of an M.P.O.
 2070 shall serve 4-year terms. Members who represent municipalities
 2071 on the basis of alternating with representatives from other
 2072 municipalities that do not have members on the M.P.O. as

2073 provided in paragraph (3) (a) ~~(2)(a)~~ may serve terms of up to 4
 2074 years as further provided in the interlocal agreement described
 2075 in paragraph (2) (b) ~~(1)(b)~~. The membership of a member who is a
 2076 public official automatically terminates upon the member's
 2077 leaving his or her elective or appointive office for any reason,
 2078 or may be terminated by a majority vote of the total membership
 2079 of the entity's governing board ~~a county or city governing~~
 2080 ~~entity~~ represented by the member. A vacancy shall be filled by
 2081 the original appointing entity. A member may be reappointed for
 2082 one or more additional 4-year terms.

2083 (c) If a governmental entity fails to fill an assigned
 2084 appointment to an M.P.O. within 60 days after notification by
 2085 the Governor of its duty to appoint, that appointment shall be
 2086 made by the Governor from the eligible representatives of that
 2087 governmental entity.

2088 (5) ~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and
 2089 responsibility of an M.P.O. is to manage a continuing,
 2090 cooperative, and comprehensive transportation planning process
 2091 that, based upon the prevailing principles provided in s.
 2092 334.046(1), results in the development of plans and programs
 2093 which are consistent, to the maximum extent feasible, with the
 2094 approved local government comprehensive plans of the units of
 2095 local government the boundaries of which are within the
 2096 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 2097 cooperative decisionmaking by officials of the affected
 2098 governmental entities in the development of the plans and
 2099 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and
 2100 (9).

2101 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 2102 privileges, and authority of an M.P.O. are those specified in
 2103 this section or incorporated in an interlocal agreement
 2104 authorized under s. 163.01. Each M.P.O. shall perform all acts
 2105 required by federal or state laws or rules, now and subsequently
 2106 applicable, which are necessary to qualify for federal aid. It
 2107 is the intent of this section that each M.P.O. shall be involved
 2108 in the planning and programming of transportation facilities,
 2109 including, but not limited to, airports, intercity and high-
 2110 speed rail lines, seaports, and intermodal facilities, to the
 2111 extent permitted by state or federal law.

2112 (a) Each M.P.O. shall, in cooperation with the department,
 2113 develop:

2114 1. A long-range transportation plan pursuant to the
 2115 requirements of subsection (7) ~~(6)~~;

2116 2. An annually updated transportation improvement program
 2117 pursuant to the requirements of subsection (8) ~~(7)~~; and

2118 3. An annual unified planning work program pursuant to the
 2119 requirements of subsection (9) ~~(8)~~.

2120 (b) In developing the long-range transportation plan and
 2121 the transportation improvement program required under paragraph
 2122 (a), each M.P.O. shall provide for consideration of projects and
 2123 strategies that will:

2124 1. Support the economic vitality of the metropolitan area,
 2125 especially by enabling global competitiveness, productivity, and
 2126 efficiency;

2127 2. Increase the safety and security of the transportation
 2128 system for motorized and nonmotorized users;

- 2129 3. Increase the accessibility and mobility options
 2130 available to people and for freight;
- 2131 4. Protect and enhance the environment, promote energy
 2132 conservation, and improve quality of life;
- 2133 5. Enhance the integration and connectivity of the
 2134 transportation system, across and between modes, for people and
 2135 freight;
- 2136 6. Promote efficient system management and operation; and
- 2137 7. Emphasize the preservation of the existing
 2138 transportation system.
- 2139 (c) In order to provide recommendations to the department
 2140 and local governmental entities regarding transportation plans
 2141 and programs, each M.P.O. shall:
- 2142 1. Prepare a congestion management system for the
 2143 metropolitan area and cooperate with the department in the
 2144 development of all other transportation management systems
 2145 required by state or federal law;
- 2146 2. Assist the department in mapping transportation
 2147 planning boundaries required by state or federal law;
- 2148 3. Assist the department in performing its duties relating
 2149 to access management, functional classification of roads, and
 2150 data collection;
- 2151 4. Execute all agreements or certifications necessary to
 2152 comply with applicable state or federal law;
- 2153 5. Represent all the jurisdictional areas within the
 2154 metropolitan area in the formulation of transportation plans and
 2155 programs required by this section; and
- 2156 6. Perform all other duties required by state or federal

2157 law.

2158 (d) Each M.P.O. shall appoint a technical advisory

2159 committee, the members of which shall serve at the pleasure of

2160 the M.P.O. The membership of the technical advisory committee

2161 must include, whenever possible, ~~that includes~~ planners;

2162 engineers; representatives of local aviation authorities, port

2163 authorities, and public transit authorities or representatives

2164 of aviation departments, seaport departments, and public transit

2165 departments of municipal or county governments, as applicable;

2166 the school superintendent of each county within the jurisdiction

2167 of the M.P.O. or the superintendent's designee; and other

2168 appropriate representatives of affected local governments. In

2169 addition to any other duties assigned to it by the M.P.O. or by

2170 state or federal law, the technical advisory committee is

2171 responsible for considering safe access to schools in its review

2172 of transportation project priorities, long-range transportation

2173 plans, and transportation improvement programs, and shall advise

2174 the M.P.O. on such matters. In addition, the technical advisory

2175 committee shall coordinate its actions with local school boards

2176 and other local programs and organizations within the

2177 metropolitan area which participate in school safety activities,

2178 such as locally established community traffic safety teams.

2179 Local school boards must provide the appropriate M.P.O. with

2180 information concerning future school sites and in the

2181 coordination of transportation service.

2182 (e)1. Each M.P.O. shall appoint a citizens' advisory

2183 committee, the members of which serve at the pleasure of the

2184 M.P.O. The membership on the citizens' advisory committee must

2185 reflect a broad cross section of local residents with an
 2186 interest in the development of an efficient, safe, and cost-
 2187 effective transportation system. Minorities, the elderly, and
 2188 the handicapped must be adequately represented.

2189 2. Notwithstanding the provisions of subparagraph 1., an
 2190 M.P.O. may, with the approval of the department and the
 2191 applicable federal governmental agency, adopt an alternative
 2192 program or mechanism to ensure citizen involvement in the
 2193 transportation planning process.

2194 (f) The department shall allocate to each M.P.O., for the
 2195 purpose of accomplishing its transportation planning and
 2196 programming duties, an appropriate amount of federal
 2197 transportation planning funds.

2198 (g) Each M.P.O. shall have an executive or staff director
 2199 who reports directly to the M.P.O. governing board for all
 2200 matters regarding the administration and operation of the M.P.O.
 2201 and any additional personnel as deemed necessary. The executive
 2202 director and any additional personnel may be employed either by
 2203 an M.P.O. or by another governmental entity, such as a county,
 2204 city, or regional planning council, that has a staff services
 2205 agreement signed and in effect with the M.P.O. Each M.P.O. may
 2206 ~~employ personnel or may~~ enter into contracts with local or state
 2207 agencies, private planning firms, ~~or~~ private engineering firms,
 2208 or other public or private entities to accomplish its
 2209 transportation planning and programming duties and
 2210 administrative functions ~~required by state or federal law.~~

2211 (h) In order to enhance their knowledge, effectiveness,
 2212 and participation in the urbanized area transportation planning

2213 process, each M.P.O. shall provide training opportunities and
 2214 training funds specifically for local elected officials and
 2215 others who serve on an M.P.O. The training opportunities may be
 2216 conducted by an individual M.P.O. or through statewide and
 2217 federal training programs and initiatives that are specifically
 2218 designed to meet the needs of M.P.O. board members.

2219 (i)~~(h)~~ A chair's coordinating committee is created,
 2220 composed of the M.P.O.'s serving Hernando, Hillsborough,
 2221 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 2222 committee must, at a minimum:

- 2223 1. Coordinate transportation projects deemed to be
 2224 regionally significant by the committee.
- 2225 2. Review the impact of regionally significant land use
 2226 decisions on the region.
- 2227 3. Review all proposed regionally significant
 2228 transportation projects in the respective transportation
 2229 improvement programs which affect more than one of the M.P.O.'s
 2230 represented on the committee.
- 2231 4. Institute a conflict resolution process to address any
 2232 conflict that may arise in the planning and programming of such
 2233 regionally significant projects.

2234 (j)~~(i)~~1. The Legislature finds that the state's rapid
 2235 growth in recent decades has caused many urbanized areas subject
 2236 to M.P.O. jurisdiction to become contiguous to each other. As a
 2237 result, various transportation projects may cross from the
 2238 jurisdiction of one M.P.O. into the jurisdiction of another
 2239 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 2240 have been mandated, M.P.O.'s shall develop coordination

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

2248 2. Any M.P.O. may join with any other M.P.O. or any
 2249 individual political subdivision to coordinate activities or to
 2250 achieve any federal or state transportation planning or
 2251 development goals or purposes consistent with federal or state
 2252 law. When an M.P.O. determines that it is appropriate to join
 2253 with another M.P.O. or any political subdivision to coordinate
 2254 activities, the M.P.O. or political subdivision shall enter into
 2255 an interlocal agreement pursuant to s. 163.01, which, at a
 2256 minimum, creates a separate legal or administrative entity to
 2257 coordinate the transportation planning or development activities
 2258 required to achieve the goal or purpose; provides ~~provide~~ the
 2259 purpose for which the entity is created; provides ~~provide~~ the
 2260 duration of the agreement and the entity, and specifies ~~specify~~
 2261 how the agreement may be terminated, modified, or rescinded;
 2262 describes ~~describe~~ the precise organization of the entity,
 2263 including who has voting rights on the governing board, whether
 2264 alternative voting members are provided for, how voting members
 2265 are appointed, and what the relative voting strength is for each
 2266 constituent M.P.O. or political subdivision; provides ~~provide~~
 2267 the manner in which the parties to the agreement will provide
 2268 for the financial support of the entity and payment of costs and

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

2279 (7) ~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
2280 develop a long-range transportation plan that addresses at least
2281 a 20-year planning horizon. The plan must include both long-
2282 range and short-range strategies and must comply with all other
2283 state and federal requirements. The prevailing principles to be
2284 considered in the long-range transportation plan are: preserving
2285 the existing transportation infrastructure; enhancing Florida's
2286 economic competitiveness; and improving travel choices to ensure
2287 mobility. The long-range transportation plan must be consistent,
2288 to the maximum extent feasible, with future land use elements
2289 and the goals, objectives, and policies of the approved local
2290 government comprehensive plans of the units of local government
2291 located within the jurisdiction of the M.P.O. The approved long-
2292 range transportation plan must be considered by local
2293 governments in the development of the transportation elements in
2294 local government comprehensive plans and any amendments thereto.
2295 The long-range transportation plan must, at a minimum:

2296 (a) Identify transportation facilities, including, but not
2297 limited to, major roadways, airports, seaports, spaceports,
2298 commuter rail systems, transit systems, and intermodal or
2299 multimodal terminals that will function as an integrated
2300 metropolitan transportation system. The long-range
2301 transportation plan must give emphasis to those transportation
2302 facilities that serve national, statewide, or regional
2303 functions, and must consider the goals and objectives identified
2304 in the Florida Transportation Plan as provided in s. 339.155. If
2305 a project is located within the boundaries of more than one
2306 M.P.O., the M.P.O.'s must coordinate plans regarding the project
2307 in the long-range transportation plan.

2308 (b) Include a financial plan that demonstrates how the
2309 plan can be implemented, indicating resources from public and
2310 private sources which are reasonably expected to be available to
2311 carry out the plan, and recommends any additional financing
2312 strategies for needed projects and programs. The financial plan
2313 may include, for illustrative purposes, additional projects that
2314 would be included in the adopted long-range transportation plan
2315 if reasonable additional resources beyond those identified in
2316 the financial plan were available. For the purpose of developing
2317 the long-range transportation plan, the M.P.O. and the
2318 department shall cooperatively develop estimates of funds that
2319 will be available to support the plan implementation. Innovative
2320 financing techniques may be used to fund needed projects and
2321 programs. Such techniques may include the assessment of tolls,
2322 the use of value capture financing, or the use of value pricing.

2323 (c) Assess capital investment and other measures necessary
 2324 to:

2325 1. Ensure the preservation of the existing metropolitan
 2326 transportation system including requirements for the operation,
 2327 resurfacing, restoration, and rehabilitation of major roadways
 2328 and requirements for the operation, maintenance, modernization,
 2329 and rehabilitation of public transportation facilities; and

2330 2. Make the most efficient use of existing transportation
 2331 facilities to relieve vehicular congestion and maximize the
 2332 mobility of people and goods.

2333 (d) Indicate, as appropriate, proposed transportation
 2334 enhancement activities, including, but not limited to,
 2335 pedestrian and bicycle facilities, scenic easements,
 2336 landscaping, historic preservation, mitigation of water
 2337 pollution due to highway runoff, and control of outdoor
 2338 advertising.

2339 (e) In addition to the requirements of paragraphs (a)-(d),
 2340 in metropolitan areas that are classified as nonattainment areas
 2341 for ozone or carbon monoxide, the M.P.O. must coordinate the
 2342 development of the long-range transportation plan with the State
 2343 Implementation Plan developed pursuant to the requirements of
 2344 the federal Clean Air Act.

2345
 2346 In the development of its long-range transportation plan, each
 2347 M.P.O. must provide the public, affected public agencies,
 2348 representatives of transportation agency employees, freight
 2349 shippers, providers of freight transportation services, private
 2350 providers of transportation, representatives of users of public

2351 transit, and other interested parties with a reasonable
2352 opportunity to comment on the long-range transportation plan.
2353 The long-range transportation plan must be approved by the
2354 M.P.O.

2355 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
2356 shall, in cooperation with the state and affected public
2357 transportation operators, develop a transportation improvement
2358 program for the area within the jurisdiction of the M.P.O. In
2359 the development of the transportation improvement program, each
2360 M.P.O. must provide the public, affected public agencies,
2361 representatives of transportation agency employees, freight
2362 shippers, providers of freight transportation services, private
2363 providers of transportation, representatives of users of public
2364 transit, and other interested parties with a reasonable
2365 opportunity to comment on the proposed transportation
2366 improvement program.

2367 (a) Each M.P.O. is responsible for developing, annually, a
2368 list of project priorities and a transportation improvement
2369 program. The prevailing principles to be considered by each
2370 M.P.O. when developing a list of project priorities and a
2371 transportation improvement program are: preserving the existing
2372 transportation infrastructure; enhancing Florida's economic
2373 competitiveness; and improving travel choices to ensure
2374 mobility. The transportation improvement program will be used to
2375 initiate federally aided transportation facilities and
2376 improvements as well as other transportation facilities and
2377 improvements including transit, rail, aviation, spaceport, and
2378 port facilities to be funded from the State Transportation Trust

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

2387 (b) Each M.P.O. annually shall prepare a list of project
 2388 priorities and shall submit the list to the appropriate district
 2389 of the department by October 1 of each year; however, the
 2390 department and a metropolitan planning organization may, in
 2391 writing, agree to vary this submittal date. The list of project
 2392 priorities must be formally reviewed by the technical and
 2393 citizens' advisory committees, and approved by the M.P.O.,
 2394 before it is transmitted to the district. The approved list of
 2395 project priorities must be used by the district in developing
 2396 the district work program and must be used by the M.P.O. in
 2397 developing its transportation improvement program. The annual
 2398 list of project priorities must be based upon project selection
 2399 criteria that, at a minimum, consider the following:

- 2400 1. The approved M.P.O. long-range transportation plan;
- 2401 2. The Strategic Intermodal System Plan developed under s.
 2402 339.64.
- 2403 3. The priorities developed pursuant to s. 339.2819(4).
- 2404 4. The results of the transportation management systems;
- 2405 and
- 2406 5. The M.P.O.'s public-involvement procedures.

2407 (c) The transportation improvement program must, at a
 2408 minimum:

2409 1. Include projects and project phases to be funded with
 2410 state or federal funds within the time period of the
 2411 transportation improvement program and which are recommended for
 2412 advancement during the next fiscal year and 4 subsequent fiscal
 2413 years. Such projects and project phases must be consistent, to
 2414 the maximum extent feasible, with the approved local government
 2415 comprehensive plans of the units of local government located
 2416 within the jurisdiction of the M.P.O. For informational
 2417 purposes, the transportation improvement program shall also
 2418 include a list of projects to be funded from local or private
 2419 revenues.

2420 2. Include projects within the metropolitan area which are
 2421 proposed for funding under 23 U.S.C. s. 134 of the Federal
 2422 Transit Act and which are consistent with the long-range
 2423 transportation plan developed under subsection (7) ~~(6)~~.

2424 3. Provide a financial plan that demonstrates how the
 2425 transportation improvement program can be implemented; indicates
 2426 the resources, both public and private, that are reasonably
 2427 expected to be available to accomplish the program; identifies
 2428 any innovative financing techniques that may be used to fund
 2429 needed projects and programs; and may include, for illustrative
 2430 purposes, additional projects that would be included in the
 2431 approved transportation improvement program if reasonable
 2432 additional resources beyond those identified in the financial
 2433 plan were available. Innovative financing techniques may include
 2434 the assessment of tolls, the use of value capture financing, or

2435 the use of value pricing. The transportation improvement program
2436 may include a project or project phase only if full funding can
2437 reasonably be anticipated to be available for the project or
2438 project phase within the time period contemplated for completion
2439 of the project or project phase.

2440 4. Group projects and project phases of similar urgency
2441 and anticipated staging into appropriate staging periods.

2442 5. Indicate how the transportation improvement program
2443 relates to the long-range transportation plan developed under
2444 subsection (7) ~~(6)~~, including providing examples of specific
2445 projects or project phases that further the goals and policies
2446 of the long-range transportation plan.

2447 6. Indicate whether any project or project phase is
2448 inconsistent with an approved comprehensive plan of a unit of
2449 local government located within the jurisdiction of the M.P.O.
2450 If a project is inconsistent with an affected comprehensive
2451 plan, the M.P.O. must provide justification for including the
2452 project in the transportation improvement program.

2453 7. Indicate how the improvements are consistent, to the
2454 maximum extent feasible, with affected seaport, airport, and
2455 spaceport master plans and with public transit development plans
2456 of the units of local government located within the jurisdiction
2457 of the M.P.O. If a project is located within the boundaries of
2458 more than one M.P.O., the M.P.O.'s must coordinate plans
2459 regarding the project in the transportation improvement program.

2460 (d) Projects included in the transportation improvement
2461 program and that have advanced to the design stage of
2462 preliminary engineering may be removed from or rescheduled in a

2463 subsequent transportation improvement program only by the joint
2464 action of the M.P.O. and the department. Except when recommended
2465 in writing by the district secretary for good cause, any project
2466 removed from or rescheduled in a subsequent transportation
2467 improvement program shall not be rescheduled by the M.P.O. in
2468 that subsequent program earlier than the 5th year of such
2469 program.

2470 (e) During the development of the transportation
2471 improvement program, the M.P.O. shall, in cooperation with the
2472 department and any affected public transit operation, provide
2473 citizens, affected public agencies, representatives of
2474 transportation agency employees, freight shippers, providers of
2475 freight transportation services, private providers of
2476 transportation, representatives of users of public transit, and
2477 other interested parties with reasonable notice of and an
2478 opportunity to comment on the proposed program.

2479 (f) The adopted annual transportation improvement program
2480 for M.P.O.'s in nonattainment or maintenance areas must be
2481 submitted to the district secretary and the Department of
2482 Community Affairs at least 90 days before the submission of the
2483 state transportation improvement program by the department to
2484 the appropriate federal agencies. The annual transportation
2485 improvement program for M.P.O.'s in attainment areas must be
2486 submitted to the district secretary and the Department of
2487 Community Affairs at least 45 days before the department submits
2488 the state transportation improvement program to the appropriate
2489 federal agencies; however, the department, the Department of
2490 Community Affairs, and a metropolitan planning organization may,

2491 in writing, agree to vary this submittal date. The Governor or
 2492 the Governor's designee shall review and approve each
 2493 transportation improvement program and any amendments thereto.

2494 (g) The Department of Community Affairs shall review the
 2495 annual transportation improvement program of each M.P.O. for
 2496 consistency with the approved local government comprehensive
 2497 plans of the units of local government whose boundaries are
 2498 within the metropolitan area of each M.P.O. and shall identify
 2499 those projects that are inconsistent with such comprehensive
 2500 plans. The Department of Community Affairs shall notify an
 2501 M.P.O. of any transportation projects contained in its
 2502 transportation improvement program which are inconsistent with
 2503 the approved local government comprehensive plans of the units
 2504 of local government whose boundaries are within the metropolitan
 2505 area of the M.P.O.

2506 (h) The M.P.O. shall annually publish or otherwise make
 2507 available for public review the annual listing of projects for
 2508 which federal funds have been obligated in the preceding year.
 2509 Project monitoring systems must be maintained by those agencies
 2510 responsible for obligating federal funds and made accessible to
 2511 the M.P.O.'s.

2512 (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 2513 develop, in cooperation with the department and public
 2514 transportation providers, a unified planning work program that
 2515 lists all planning tasks to be undertaken during the program
 2516 year. The unified planning work program must provide a complete
 2517 description of each planning task and an estimated budget
 2518 therefor and must comply with applicable state and federal law.

2519 (10)~~(9)~~ AGREEMENTS.--

2520 (a) Each M.P.O. shall execute the following written
2521 agreements, which shall be reviewed, and updated as necessary,
2522 every 5 years:

2523 1. An agreement with the department clearly establishing
2524 the cooperative relationship essential to accomplish the
2525 transportation planning requirements of state and federal law.

2526 2. An agreement with the metropolitan and regional
2527 intergovernmental coordination and review agencies serving the
2528 metropolitan areas, specifying the means by which activities
2529 will be coordinated and how transportation planning and
2530 programming will be part of the comprehensive planned
2531 development of the area.

2532 3. An agreement with operators of public transportation
2533 systems, including transit systems, commuter rail systems,
2534 airports, seaports, and spaceports, describing the means by
2535 which activities will be coordinated and specifying how public
2536 transit, commuter rail, aviation, seaport, and aerospace
2537 planning and programming will be part of the comprehensive
2538 planned development of the metropolitan area.

2539 (b) An M.P.O. may execute other agreements required by
2540 state or federal law or as necessary to properly accomplish its
2541 functions.

2542 (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
2543 COUNCIL.--

2544 (a) A Metropolitan Planning Organization Advisory Council
2545 is created to augment, and not supplant, the role of the

2546 individual M.P.O.'s in the cooperative transportation planning
 2547 process described in this section.

2548 (b) The council shall consist of one representative from
 2549 each M.P.O. and shall elect a chairperson annually from its
 2550 number. Each M.P.O. shall also elect an alternate representative
 2551 from each M.P.O. to vote in the absence of the representative.
 2552 Members of the council do not receive any compensation for their
 2553 services, but may be reimbursed from funds made available to
 2554 council members for travel and per diem expenses incurred in the
 2555 performance of their council duties as provided in s. 112.061.

2556 (c) The powers and duties of the Metropolitan Planning
 2557 Organization Advisory Council are to:

- 2558 1. Enter into contracts with individuals, private
 2559 corporations, and public agencies.
- 2560 2. Acquire, own, operate, maintain, sell, or lease
 2561 personal property essential for the conduct of business.
- 2562 3. Accept funds, grants, assistance, gifts, or bequests
 2563 from private, local, state, or federal sources.
- 2564 4. Establish bylaws and adopt rules pursuant to ss.
 2565 120.536(1) and 120.54 to implement provisions of law conferring
 2566 powers or duties upon it.
- 2567 5. Assist M.P.O.'s in carrying out the urbanized area
 2568 transportation planning process by serving as the principal
 2569 forum for collective policy discussion pursuant to law.
- 2570 6. Serve as a clearinghouse for review and comment by
 2571 M.P.O.'s on the Florida Transportation Plan and on other issues
 2572 required to comply with federal or state law in carrying out the

2573 urbanized area transportation and systematic planning processes
 2574 instituted pursuant to s. 339.155.

2575 7. Employ an executive director and such other staff as
 2576 necessary to perform adequately the functions of the council,
 2577 within budgetary limitations. The executive director and staff
 2578 are exempt from part II of chapter 110 and serve at the
 2579 direction and control of the council. The council is assigned to
 2580 the Office of the Secretary of the Department of Transportation
 2581 for fiscal and accountability purposes, but it shall otherwise
 2582 function independently of the control and direction of the
 2583 department.

2584 8. Adopt an agency strategic plan that provides the
 2585 priority directions the agency will take to carry out its
 2586 mission within the context of the state comprehensive plan and
 2587 any other statutory mandates and directions given to the agency.

2588 (12) ~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by
 2589 an agency of the Federal Government that any provision of this
 2590 section conflicts with federal laws or regulations, such federal
 2591 laws or regulations will take precedence to the extent of the
 2592 conflict until such conflict is resolved. The department or an
 2593 M.P.O. may take any necessary action to comply with such federal
 2594 laws and regulations or to continue to remain eligible to
 2595 receive federal funds.

2596 (13) ~~(12)~~ VOTING REQUIREMENTS.--Each long-range
 2597 transportation plan required pursuant to subsection (7) ~~(6)~~,
 2598 each annually updated Transportation Improvement Program
 2599 required under subsection (8) ~~(7)~~, and each amendment that
 2600 affects projects in the first 3 years of such plans and programs

2601 must be approved by each M.P.O. on a recorded roll call vote, or
 2602 hand-counted vote, of a majority of the membership present.

2603 Section 34. Subsection (2) of section 339.2819, Florida
 2604 Statutes, is amended to read:

2605 339.2819 Transportation Regional Incentive Program.--

2606 (2) The percentage of matching funds provided from the
 2607 Transportation Regional Incentive Program shall be 50 percent of
 2608 project costs, ~~or up to 50 percent of the nonfederal share of~~
 2609 ~~the eligible project cost for a public transportation facility~~
 2610 ~~project.~~

2611 Section 35. Section 339.282, Florida Statutes, is created
 2612 to read:

2613 339.282 Transportation concurrency incentives.--The
 2614 Legislature finds that allowing private-sector entities to
 2615 finance, construct, and improve public transportation facilities
 2616 can provide significant benefits to the citizens of this state
 2617 by facilitating transportation of the general public without the
 2618 need for additional public tax revenues. In order to encourage
 2619 the more efficient and proactive provision of transportation
 2620 improvements by the private sector, if a developer or property
 2621 owner voluntarily contributes right-of-way and physically
 2622 constructs or expands a state transportation facility or segment
 2623 and such construction or expansion improves traffic flow,
 2624 capacity, or safety, the voluntary contribution may be applied
 2625 as a credit for that property owner or developer against any
 2626 future transportation concurrency requirement pursuant to
 2627 chapter 163, provided such contributions and credits are set
 2628 forth in a legally binding agreement executed by the property

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

2640 Section 36. Subsection (4) of section 339.55, Florida
 2641 Statutes, is amended, and paragraph (c) is added to subsection
 2642 (2) and paragraph (j) is added to subsection (7) of that
 2643 section, to read:

2644 339.55 State-funded infrastructure bank.--

2645 (2) The bank may lend capital costs or provide credit
 2646 enhancements for:

2647 (c)1. Emergency loans for damages incurred to public-use
 2648 commercial deepwater seaports, public-use airports, and other
 2649 public-use transit and intermodal facilities that are within an
 2650 area that is part of an official state declaration of emergency
 2651 pursuant to chapter 252 and all other applicable laws. Such
 2652 loans:

2653 a. May not exceed 24 months in duration except in extreme
 2654 circumstances, for which the Secretary of Transportation may
 2655 grant up to 36 months upon making written findings specifying
 2656 the conditions requiring a 36-month term.

2657 b. Require application from the recipient to the
 2658 department that includes documentation of damage claims filed
 2659 with the Federal Emergency Management Agency or an applicable
 2660 insurance carrier and documentation of the recipient's overall
 2661 financial condition.

2662 c. Are subject to approval by the Secretary of
 2663 Transportation and the Legislative Budget Commission.

2664 2. Loans provided under this paragraph must be repaid upon
 2665 receipt by the recipient of eligible program funding for damages
 2666 in accordance with the claims filed with the Federal Emergency
 2667 Management Agency or an applicable insurance carrier, but no
 2668 later than the duration of the loan.

2669 (4) Loans from the bank may bear interest at or below
 2670 market interest rates, as determined by the department.
 2671 Repayment of any loan from the bank shall commence not later
 2672 than 5 years after the project has been completed or, in the
 2673 case of a highway project, the facility has opened to traffic,
 2674 whichever is later, and shall be repaid in no more than 30
 2675 years, except for loans provided under paragraph (2)(c), which
 2676 shall be repaid in no more than 36 months.

2677 (7) The department may consider, but is not limited to,
 2678 the following criteria for evaluation of projects for assistance
 2679 from the bank:

2680 (j) The extent to which damage from a disaster that
 2681 results in a declaration of emergency has impacted a public
 2682 transportation facility's ability to maintain its previous level
 2683 of service and remain accessible to the public or has had a
 2684 major impact on the cash flow or revenue-generation ability of

2685 the public-use facility.

2686 Section 37. Section 339.63, Florida Statutes, is amended
2687 to read:

2688 339.63 System facilities designated; additions and
2689 deletions.--

2690 (1) The initial Strategic Intermodal System shall include
2691 all facilities that meet the criteria recommended by the
2692 Strategic Intermodal Steering Committee in a report titled
2693 "Steering Committee Final Report: Recommendations for
2694 Designating Florida's Strategic Intermodal System" dated
2695 December 2002.

2696 (2) The Strategic Intermodal System and the Emerging
2697 Strategic Intermodal System include three different types of
2698 facilities, each of which forms one component of an
2699 interconnected transportation system:

2700 (a) Existing or planned hubs, which are ports and
2701 terminals, including airports, seaports, spaceports, passenger
2702 terminals, and rail terminals that move goods or people between
2703 regions in this state or between this state and markets in other
2704 states or nations;

2705 (b) Existing or planned corridors, which are highways,
2706 rail lines, waterways, and other exclusive-use facilities that
2707 connect major markets within this state or between this state
2708 and other states or nations; and

2709 (c) Existing or planned intermodal connectors, which are
2710 highways, rail lines, or waterways that connect hubs and
2711 corridors.

2712 (3) Subsequent to the initial designation of the Strategic

2713 Intermodal System pursuant to subsection (1), the department
2714 Secretary of Transportation shall, in coordination with the
2715 metropolitan planning organizations, local governments, regional
2716 planning councils, transportation providers, and affected public
2717 agencies, periodically add facilities to or delete facilities
2718 from the Strategic Intermodal System described in paragraphs
2719 (2)(b) and (c) based upon adopted criteria adopted by the
2720 department.

2721 (4) Subsequent to the initial designation of the Strategic
2722 Intermodal System pursuant to subsection (1), the department
2723 shall, in coordination with the metropolitan planning
2724 organizations, local governments, regional planning councils,
2725 transportation providers, and affected public agencies, add
2726 facilities to or delete facilities from the Strategic Intermodal
2727 System described in paragraph (2)(a) based upon meeting at least
2728 one of the specific criteria as follows:

2729 (a) Strategic Intermodal System airports.--Commercial
2730 service airports that provide service to no less than 0.25
2731 percent of total United States passenger enplanements or that
2732 handle no less than 0.25 percent of total United States air
2733 freight and mail tonnage annually.

2734 (b) Emerging Strategic Intermodal System airports based on
2735 activity.--Commercial service airports that provide commercial
2736 service to no less than 0.05 percent of total United States
2737 passenger enplanements, or that handle no less than 0.05 percent
2738 of total United States air freight and mail tonnage annually,
2739 and are located more than 50 miles from the closest Strategic
2740 Intermodal System commercial service airport.

2741 (c) Emerging Strategic Intermodal System airports based on
2742 economic connectivity.--Commercial service airports that serve
2743 clusters of aviation-dependent industries, are located in or
2744 adjacent to counties with projected population growth among the
2745 top 25 percent statewide, and are located more than 50 miles
2746 from a Strategic Intermodal System commercial service airport.

2747 (d) General aviation reliever airports.--General aviation
2748 reliever airports that have at least 75,000 itinerant operations
2749 per year, have a runway length of at least 5,500 linear feet,
2750 are capable of handling aircraft weighing at least 60,000 pounds
2751 with a dual wheel configuration which are served by at least one
2752 precision instrument approach, and serve a cluster of aviation-
2753 dependent industries.

2754 (e) Strategic Intermodal System spaceports.--Operating
2755 spaceports handling commercial or military freight payloads.

2756 (f) Strategic Intermodal System seaports.--Deepwater
2757 seaports that provide service to no less than 250,000 homeport
2758 passengers per year or that handle no less than 0.25 percent of
2759 total United States waterborne freight tonnage or total United
2760 States waterborne container movements annually.

2761 (g) Emerging Strategic Intermodal System seaports based on
2762 activity.--Deepwater seaports that provide service to no less
2763 than 50,000 homeport passengers per year, or that handle no less
2764 than 0.05 percent of total United States waterborne freight
2765 tonnage or total United States waterborne container movements
2766 annually, and are located more than 50 miles from the closest
2767 Strategic Intermodal System seaport.

2768 (h) Emerging Strategic Intermodal System seaports based on

2769 economic connectivity.--Deepwater seaports that serve industries
 2770 dependent on waterborne transportation service located in or
 2771 adjacent to counties with projected population growth among the
 2772 top 25 percent statewide and are located more than 50 miles from
 2773 the closest Strategic Intermodal System seaport.

2774 (i) Strategic Intermodal System passenger
 2775 terminals.--Terminals that serve no less than 100,000
 2776 interregional or interstate passengers annually.

2777 (j) Emerging Strategic Intermodal System passenger
 2778 terminals based on activity.--Terminals that serve no less than
 2779 50,000 interregional or interstate passengers annually and are
 2780 located more than 50 miles from the nearest Strategic Intermodal
 2781 System passenger terminal at which service by the same operator
 2782 is provided.

2783 (k) Emerging Strategic Intermodal System passenger rail
 2784 terminals based on economic connectivity.--Terminals that serve
 2785 4-year colleges and universities and clusters of tourism
 2786 activity, are located in or adjacent to counties with projected
 2787 population growth among the top 25 percent statewide, and are
 2788 located more than 50 miles from the closest Strategic Intermodal
 2789 System passenger terminal.

2790 (l) Strategic Intermodal System freight rail
 2791 terminals.--Terminals that handle no less than 0.25 percent of
 2792 United States total rail freight activity annually.

2793 (m) Emerging Strategic Intermodal System freight rail
 2794 terminals based on activity.--Terminals that handle no less than
 2795 0.05 percent of United States total rail freight activity
 2796 annually.

2797 (n) Emerging Strategic Intermodal System freight rail
 2798 terminals based on economic connectivity.--Terminals that serve
 2799 clusters of rail-dependent industries, are located in or
 2800 adjacent to counties with projected employment growth among the
 2801 top 25 percent statewide, and are located more than 50 miles
 2802 from the closest Strategic Intermodal System freight rail
 2803 terminal.

2804 (5) Subsequent to the initial designation of the Strategic
 2805 Intermodal System pursuant to subsection (1), the department
 2806 shall, in coordination with the metropolitan planning
 2807 organizations, local governments, regional planning councils,
 2808 transportation providers, and affected public agencies, add
 2809 planned facilities to or delete planned facilities from the
 2810 Strategic Intermodal System described in paragraph (2) (a) based
 2811 upon meeting the specific criteria as follows:

2812 (a) Criteria and thresholds.--The planned facility or
 2813 service is projected to meet all applicable Strategic Intermodal
 2814 System or Emerging Strategic Intermodal System criteria and
 2815 thresholds within the first 3 years of operation.

2816 (b) Financial feasibility.--The planned facility or
 2817 service is financially feasible.

2818 Section 38. Subsection (2) of section 341.071, Florida
 2819 Statutes, is amended to read:

2820 341.071 Transit productivity and performance measures;
 2821 reports.--

2822 (2) Each public transit provider shall establish
 2823 productivity and performance measures, which must be approved by
 2824 the department and which must be selected from measures

2825 developed pursuant to s. 341.041(3). Each provider shall, by
2826 January 31 of each year, report ~~annually~~ to the department
2827 relative to these measures. In approving these measures, the
2828 department shall give consideration to the goals and objectives
2829 of each system, the needs of the local area, and the role for
2830 public transit in the local area. The report shall also
2831 specifically address potential enhancements to productivity and
2832 performance which would have the effect of increasing farebox
2833 recovery ratio.

2834 Section 39. Paragraph (a) of subsection (2) of section
2835 343.81, Florida Statutes, is amended to read:

2836 343.81 Northwest Florida Transportation Corridor
2837 Authority.--

2838 (2) (a) The governing body of the authority shall consist
2839 of eight voting members, one each from Escambia, Santa Rosa,
2840 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
2841 appointed by the Governor to a 4-year term. The appointees shall
2842 be residents of their respective counties and may not hold an
2843 elected office. Upon the effective date of his or her
2844 appointment, or as soon thereafter as practicable, each
2845 appointed member of the authority shall enter upon his or her
2846 duties. Each appointed member shall hold office until his or her
2847 successor has been appointed and has qualified. A vacancy
2848 occurring during a term shall be filled only for the balance of
2849 the unexpired term. Any member of the authority shall be
2850 eligible for reappointment. Members of the authority may be
2851 removed from office by the Governor for misconduct, malfeasance,
2852 misfeasance, or nonfeasance in office.

2853 Section 40. The amendments made by this act to s. 343.81,
 2854 Florida Statutes, prohibiting the appointment of a person
 2855 holding an elected office to the Northwest Florida
 2856 Transportation Corridor Authority shall not prohibit any member
 2857 appointed prior to the effective date of this act from
 2858 completing his or her current term, and the prohibition shall
 2859 apply only to members appointed after the effective date of this
 2860 act and shall not preclude the reappointment of any existing
 2861 members.

2862 Section 41. Subsection (2) of section 343.82, Florida
 2863 Statutes, is amended to read:

2864 343.82 Purposes and powers.--

2865 (2) (a) The authority is authorized to construct any feeder
 2866 roads, reliever roads, connector roads, bypasses, or appurtenant
 2867 facilities that are intended to improve mobility along the U.S.
 2868 98 corridor. The transportation improvement projects may also
 2869 include all necessary approaches, roads, bridges, and avenues of
 2870 access that are desirable and proper with the concurrence, where
 2871 applicable, of the department if the project is to be part of
 2872 the State Highway System or the respective county or municipal
 2873 governing boards. Any transportation facilities constructed by
 2874 the authority may be tolled.

2875 (b) Notwithstanding any special act to the contrary, the
 2876 authority shall plan for and study the feasibility of
 2877 constructing, operating, and maintaining a bridge or bridges
 2878 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
 2879 access roads to such bridge or bridges, including studying the
 2880 environmental and economic feasibility of such bridge or

2881 bridges and access roads, and such other transportation
 2882 facilities that become part of such bridge system. The authority
 2883 may construct, operate, and maintain the bridge system if the
 2884 authority determines that the bridge system project is feasible
 2885 and consistent with the authority's primary purpose and master
 2886 plan.

2887 Section 42. Subsection (9) of section 348.0004, Florida
 2888 Statutes, is amended to read:

2889 348.0004 Purposes and powers.--

2890 (9) The Legislature declares that there is a public need
 2891 for rapid construction of safe and efficient transportation
 2892 facilities for travel within the state and that it is in the
 2893 public's interest to provide for public-private partnership
 2894 agreements to effectuate the construction of additional safe,
 2895 convenient, and economical transportation facilities.

2896 (a) Notwithstanding any other provision of the Florida
 2897 Expressway Authority Act, any expressway authority,
 2898 transportation authority, bridge authority, or toll authority
 2899 established under this part or any other statute may receive or
 2900 solicit proposals and enter into agreements with private
 2901 entities, or consortia thereof, for the building, operation,
 2902 ownership, or financing of ~~expressway~~ authority transportation
 2903 facilities or new transportation facilities within the
 2904 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 2905 authority is authorized to adopt rules to implement this
 2906 subsection and shall, by rule, establish an application fee for
 2907 the submission of unsolicited proposals under this subsection.
 2908 The fee must be sufficient to pay the costs of evaluating the

2909 proposals. An ~~expressway~~ authority may engage private
2910 consultants to assist in the evaluation. Before approval, an
2911 ~~expressway~~ authority must determine that a proposed project:

- 2912 1. Is in the public's best interest.
- 2913 2. Would not require state funds to be used unless the
2914 project is on or provides increased mobility on the State
2915 Highway System.
- 2916 3. Would have adequate safeguards to ensure that no
2917 additional costs or service disruptions would be realized by the
2918 traveling public and residents ~~citizens~~ of the state in the
2919 event of default or the cancellation of the agreement by the
2920 ~~expressway~~ authority.

2921 (b) An ~~expressway~~ authority shall ensure that all
2922 reasonable costs to the state which are~~7~~ related to
2923 transportation facilities that are not part of the State Highway
2924 System~~7~~ are borne by the private entity. An ~~expressway~~ authority
2925 shall also ensure that all reasonable costs to the state and
2926 substantially affected local governments and utilities related
2927 to the private transportation facility are borne by the private
2928 entity for transportation facilities that are owned by private
2929 entities. For projects on the State Highway System, the
2930 department may use state resources to participate in funding and
2931 financing the project as provided for under the department's
2932 enabling legislation.

2933 (c) The ~~expressway~~ authority may request proposals for
2934 public-private transportation projects or, if it receives an
2935 unsolicited proposal, it must publish a notice in the Florida
2936 Administrative Weekly and a newspaper of general circulation in

2937 the county in which it is located at least once a week for 2
2938 weeks, stating that it has received the proposal and will
2939 accept, for 60 days after the initial date of publication, other
2940 proposals for the same project purpose. A copy of the notice
2941 must be mailed to each local government in the affected areas.
2942 After the public notification period has expired, the ~~expressway~~
2943 authority shall rank the proposals in order of preference. In
2944 ranking the proposals, the ~~expressway~~ authority shall consider
2945 professional qualifications, general business terms, innovative
2946 engineering or cost-reduction terms, finance plans, and the need
2947 for state funds to deliver the proposal. If the ~~expressway~~
2948 authority is not satisfied with the results of the negotiations,
2949 it may, at its sole discretion, terminate negotiations with the
2950 proposer. If these negotiations are unsuccessful, the ~~expressway~~
2951 authority may go to the second and lower-ranked firms, in order,
2952 using the same procedure. If only one proposal is received, the
2953 ~~expressway~~ authority may negotiate in good faith, and if it is
2954 not satisfied with the results, it may, at its sole discretion,
2955 terminate negotiations with the proposer. Notwithstanding this
2956 paragraph, the ~~expressway~~ authority may, at its discretion,
2957 reject all proposals at any point in the process up to
2958 completion of a contract with the proposer.

2959 (d) The department may lend funds from the Toll Facilities
2960 Revolving Trust Fund, as outlined in s. 338.251, to public-
2961 private partnerships. To be eligible, a private entity must
2962 comply with s. 338.251 and must provide an indication from a
2963 nationally recognized rating agency that the senior bonds for
2964 the project will be investment grade or must provide credit

2965 support, such as a letter of credit or other means acceptable to
 2966 the department, to ensure that the loans will be fully repaid.

2967 (e) Agreements entered into pursuant to this subsection
 2968 may authorize the public-private entity to impose tolls or fares
 2969 for the use of the facility. However, the amount and use of toll
 2970 or fare revenues shall be regulated by the ~~expressway~~ authority
 2971 to avoid unreasonable costs to users of the facility.

2972 (f) Agreements entered into pursuant to this section may
 2973 lease existing toll facilities through public-private
 2974 partnerships. If the agreement for leasing an existing toll
 2975 facility does not include provisions for additional capacity,
 2976 the project and the provisions of the agreement must be approved
 2977 by the Florida Transportation Commission.

2978 (g) ~~(f)~~ Each public-private transportation facility
 2979 constructed pursuant to this subsection shall comply with all
 2980 requirements of federal, state, and local laws; state, regional,
 2981 and local comprehensive plans; the ~~expressway~~ authority's rules,
 2982 policies, procedures, and standards for transportation
 2983 facilities; and any other conditions that the ~~expressway~~
 2984 authority determines to be in the public's best interest.

2985 (h) ~~(g)~~ An ~~expressway~~ authority may exercise any power
 2986 possessed by it, including eminent domain, to facilitate the
 2987 development and construction of transportation projects pursuant
 2988 to this subsection. An ~~expressway~~ authority may pay all or part
 2989 of the cost of operating and maintaining the facility or may
 2990 provide services to the private entity for which it receives
 2991 full or partial reimbursement for services rendered.

2992 (i) ~~(h)~~ Except as herein provided, this subsection is not

2993 intended to amend existing laws by granting additional powers to
 2994 or further restricting the governmental entities from regulating
 2995 and entering into cooperative arrangements with the private
 2996 sector for the planning, construction, and operation of
 2997 transportation facilities. Use of the powers granted in this
 2998 subsection may not subject a statutorily created expressway
 2999 authority, transportation authority, bridge authority, or toll
 3000 authority, other than one statutorily created under this part,
 3001 to any of the requirements of this part other than those
 3002 contained in this subsection.

3003 Section 43. Section 348.0012, Florida Statutes, is amended
 3004 to read:

3005 348.0012 Exemptions from applicability.--The Florida
 3006 Expressway Authority Act does not apply:

3007 (1) In a county in which an expressway authority has been
 3008 created pursuant to parts II-IX of this chapter, except as
 3009 expressly provided in this part; or

3010 (2) To a transportation authority created pursuant to
 3011 chapter 349.

3012 Section 44. Paragraph (1) of subsection (2) of section
 3013 348.243, Florida Statutes, is amended to read:

3014 348.243 Purposes and powers.--

3015 (2) The authority is granted, and shall have and may
 3016 exercise, all powers necessary, appurtenant, convenient, or
 3017 incidental to the carrying out of the aforesaid purposes,
 3018 including, but not limited to, the following rights and powers:

3019 (1) To enter into an agreement to sell, transfer, and
 3020 dispose of all property of the Sawgrass Expressway, whether

3021 real, personal, or mixed, tangible or intangible, to the
 3022 Department of Transportation as part of the Turnpike System in
 3023 accordance with s. 338.2275 (3) ~~(4)~~.

3024 Section 45. Subsection (6) is added to section 348.754,
 3025 Florida Statutes, to read:

3026 348.754 Purposes and powers.--

3027 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
 3028 County Expressway Authority may waive payment and performance
 3029 bonds on construction contracts for the construction of a public
 3030 building, for the prosecution and completion of a public work,
 3031 or for repairs on a public building or public work that has a
 3032 cost of \$500,000 or less and when the project is awarded
 3033 pursuant to an economic development program for the
 3034 encouragement of local small businesses that has been adopted by
 3035 the governing body of the Orlando-Orange County Expressway
 3036 Authority pursuant to a resolution or policy.

3037 (b) The authority's adopted criteria for participation in
 3038 the economic development program for local small businesses
 3039 shall require that a participant:

- 3040 1. Be an independent business.
- 3041 2. Be principally domiciled in the Orange County Standard
 3042 Metropolitan Statistical Area.
- 3043 3. Employ 25 or fewer full-time employees.
- 3044 4. Have gross annual sales averaging \$3 million or less
 3045 over the immediately preceding 3 calendar years with regard to
 3046 any construction element of the program.
- 3047 5. Be accepted as a participant in the Orlando-Orange
 3048 County Expressway Authority's microcontracts program or such

3049 other small business program as may be hereinafter enacted by
 3050 the Orlando-Orange County Expressway Authority.

3051 6. Participate in an educational curriculum or technical
 3052 assistance program for business development that will assist the
 3053 small business in becoming eligible for bonding.

3054 (c) The authority's adopted procedures for waiving payment
 3055 and performance bonds on projects with values not less than
 3056 \$200,000 and not exceeding \$500,000 shall provide that payment
 3057 and performance bonds may only be waived on projects that have
 3058 been set aside to be competitively bid on by participants in an
 3059 economic development program for local small businesses. The
 3060 authority's executive director or his or her designee shall
 3061 determine whether specific construction projects are suitable
 3062 for:

3063 1. Bidding under the authority's microcontracts program by
 3064 registered local small businesses; and

3065 2. Waiver of the payment and performance bond.

3066
 3067 The decision of the authority's executive director or deputy
 3068 executive director to waive the payment and performance bond
 3069 shall be based upon his or her investigation and conclusion that
 3070 there exists sufficient competition so that the authority
 3071 receives a fair price and does not undertake any unusual risk
 3072 with respect to such project.

3073 (d) For any contract for which a payment and performance
 3074 bond has been waived pursuant to the authority set forth in this
 3075 section, the Orlando-Orange County Expressway Authority shall
 3076 pay all persons defined in s. 713.01 who furnish labor,

3077 services, or materials for the prosecution of the work provided
 3078 for in the contract to the same extent and upon the same
 3079 conditions that a surety on the payment bond under s. 255.05
 3080 would have been obligated to pay such persons if the payment and
 3081 performance bond had not been waived. The authority shall record
 3082 notice of this obligation in the manner and location that surety
 3083 bonds are recorded. The notice shall include the information
 3084 describing the contract that s. 255.05(1) requires be stated on
 3085 the front page of the bond. Notwithstanding that s. 255.05(9)
 3086 generally applies when a performance and payment bond is
 3087 required, s. 255.05(9) shall apply under this subsection to any
 3088 contract on which performance or payment bonds are waived and
 3089 any claim to payment under this subsection shall be treated as a
 3090 contract claim pursuant to s. 255.05(9).

3091 (e) A small business that has been the successful bidder
 3092 on six projects for which the payment and performance bond was
 3093 waived by the authority pursuant to paragraph (a) shall be
 3094 ineligible to bid on additional projects for which the payment
 3095 and performance bond is to be waived. The local small business
 3096 may continue to participate in other elements of the economic
 3097 development program for local small businesses as long as it is
 3098 eligible.

3099 (f) The authority shall conduct bond eligibility training
 3100 for businesses qualifying for bond waiver under this subsection
 3101 to encourage and promote bond eligibility for such businesses.

3102 (g) The authority shall prepare a biennial report on the
 3103 activities undertaken pursuant to this subsection to be
 3104 submitted to the Orange County legislative delegation. The

3105 initial report shall be due December 31, 2010.

3106 Section 46. Paragraph (a) of subsection (3) of section
3107 163.3177, Florida Statutes, is amended to read:

3108 163.3177 Required and optional elements of comprehensive
3109 plan; studies and surveys.--

3110 (3) (a) The comprehensive plan shall contain a capital
3111 improvements element designed to consider the need for and the
3112 location of public facilities in order to encourage the
3113 efficient utilization of such facilities and set forth:

3114 1. A component which outlines principles for construction,
3115 extension, or increase in capacity of public facilities, as well
3116 as a component which outlines principles for correcting existing
3117 public facility deficiencies, which are necessary to implement
3118 the comprehensive plan. The components shall cover at least a 5-
3119 year period.

3120 2. Estimated public facility costs, including a
3121 delineation of when facilities will be needed, the general
3122 location of the facilities, and projected revenue sources to
3123 fund the facilities.

3124 3. Standards to ensure the availability of public
3125 facilities and the adequacy of those facilities including
3126 acceptable levels of service.

3127 4. Standards for the management of debt.

3128 5. A schedule of capital improvements which includes
3129 publicly funded projects, and which may include privately funded
3130 projects for which the local government has no fiscal
3131 responsibility, necessary to ensure that adopted level-of-
3132 service standards are achieved and maintained. For capital

3133 improvements that will be funded by the developer, financial
 3134 feasibility shall be demonstrated by being guaranteed in an
 3135 enforceable development agreement or interlocal agreement
 3136 pursuant to paragraph (10)(h), or other enforceable agreement.
 3137 These development agreements and interlocal agreements shall be
 3138 reflected in the schedule of capital improvements if the capital
 3139 improvement is necessary to serve development within the 5-year
 3140 schedule. If the local government uses planned revenue sources
 3141 that require referenda or other actions to secure the revenue
 3142 source, the plan must, in the event the referenda are not passed
 3143 or actions do not secure the planned revenue source, identify
 3144 other existing revenue sources that will be used to fund the
 3145 capital projects or otherwise amend the plan to ensure financial
 3146 feasibility.

3147 6. The schedule must include transportation improvements
 3148 included in the applicable metropolitan planning organization's
 3149 transportation improvement program adopted pursuant to s.
 3150 339.175(8)~~(7)~~ to the extent that such improvements are relied
 3151 upon to ensure concurrency and financial feasibility. The
 3152 schedule must also be coordinated with the applicable
 3153 metropolitan planning organization's long-range transportation
 3154 plan adopted pursuant to s. 339.175(7)~~(6)~~.

3155 Section 47. Section 339.176, Florida Statutes, is amended
 3156 to read:

3157 339.176 Voting membership for M.P.O. with boundaries
 3158 including certain counties.--In addition to the voting
 3159 membership established by s. 339.175(3)~~(2)~~ and notwithstanding
 3160 any other provision of law to the contrary, the voting

3161 membership of any Metropolitan Planning Organization whose
 3162 geographical boundaries include any county as defined in s.
 3163 125.011(1) must include an additional voting member appointed by
 3164 that city's governing body for each city with a population of
 3165 50,000 or more residents.

3166 Section 48. Subsection (1) of section 341.828, Florida
 3167 Statutes, is amended to read:

3168 341.828 Permitting.--

3169 (1) The authority, for the purposes of permitting, may
 3170 utilize one or more permitting processes provided for in
 3171 statute, including, but not limited to, the metropolitan
 3172 planning organization long-range transportation planning process
 3173 as defined in s. 339.175~~(6)~~ and (7) and (8), in conjunction with
 3174 the Department of Transportation's work program process as
 3175 defined in s. 339.135, or any permitting process now in effect
 3176 or that may be in effect at the time of permitting and will
 3177 provide the most timely and cost-effective permitting process.

3178 Section 49. Section 334.30, Florida Statutes, is amended
 3179 to read:

3180 334.30 Public-private transportation facilities.--The
 3181 Legislature hereby finds and declares that there is a public
 3182 need for rapid construction of safe and efficient transportation
 3183 facilities for the purpose of travel within the state. It is the
 3184 intent of the Legislature to strengthen the state's
 3185 transportation system by providing the department with
 3186 innovative financing techniques, including, but not limited to,
 3187 public-private partnerships, toll facility leases, and user
 3188 fees. In response to increased congestion, population, and

3189 market demands, ~~and that~~ it is in the public's interest to
 3190 provide for the construction of additional safe, convenient, and
 3191 economical transportation facilities.

3192 (1) The department may receive or solicit proposals and,
 3193 with legislative approval as evidenced by approval of the
 3194 project in the department's work program, enter into agreements
 3195 with private entities, or consortia thereof, for the building,
 3196 operation, ownership, or financing of transportation facilities.
 3197 The department may advance projects programmed in the adopted 5-
 3198 year work program or projects greater than \$500 million in the
 3199 10-year Strategic Intermodal System Plan using funds provided by
 3200 public-private partnerships or private entities to be reimbursed
 3201 from department funds for the project as programmed in the
 3202 adopted work program. The department shall by rule establish an
 3203 application fee for the submission of unsolicited proposals
 3204 under this section. The fee must be sufficient to pay the costs
 3205 of evaluating the proposals. The department may engage the
 3206 services of private consultants to assist in the evaluation.
 3207 Before approval, the department must determine that the proposed
 3208 project:

- 3209 (a) Is in the public's best interest;
- 3210 (b) Would not require state funds to be used unless the
 3211 project is on the State Highway System; and
- 3212 (c) Would have adequate safeguards in place to ensure that
 3213 no additional costs or service disruptions would be realized by
 3214 the traveling public and citizens of the state in the event of
 3215 default or cancellation of the agreement by the department.

3216

3217 The department shall ensure that all reasonable costs to the
 3218 state, related to transportation facilities that are not part of
 3219 the State Highway System, are borne by the private entity. The
 3220 department shall also ensure that all reasonable costs to the
 3221 state and substantially affected local governments and
 3222 utilities, related to the private transportation facility, are
 3223 borne by the private entity for transportation facilities that
 3224 are owned by private entities. For projects on the State Highway
 3225 System, the department may use state resources to participate in
 3226 funding and financing the project as provided for under the
 3227 department's enabling legislation.

3228 (2) Agreements entered into pursuant to this section may
 3229 authorize the private entity to impose tolls or fares for the
 3230 use of the facility. The following provisions shall apply to
 3231 such agreements: ~~However, the amount and use of toll or fare~~
 3232 ~~revenues shall be regulated by the department to avoid~~
 3233 ~~unreasonable costs to users of the facility.~~

3234 (a) With the exception of the Florida Turnpike System, the
 3235 department may lease existing toll facilities through public-
 3236 private partnerships. If the agreement for leasing an existing
 3237 toll facility does not include provisions for additional
 3238 capacity, the project and the provisions of the agreement must
 3239 be approved by the Legislature. The public-private partnership
 3240 agreement must ensure that the toll facility is properly
 3241 operated, maintained, and renewed in accordance with department
 3242 standards.

3243 (b) The department may develop new toll facilities or
 3244 increase capacity on existing toll facilities through public-

3245 private partnerships. The public-private partnership agreement
3246 must ensure that the toll facility is properly operated,
3247 maintained, and renewed in accordance with department standards.

3248 (c) The amount of toll or fare revenues shall be regulated
3249 by the department pursuant to s. 338.165(3). The regulations
3250 governing the future increase of toll or fare revenues shall be
3251 included in the public-private partnership agreement.

3252 (d) The department shall include provisions in the public-
3253 private partnership agreement that ensure a negotiated portion
3254 of revenues from tolled projects are returned to the department
3255 over the life of the public-private partnership agreement. In
3256 the case of a lease of an existing toll facility, the department
3257 shall receive a portion of funds upon closing on the agreements
3258 and shall also include provisions in the agreement to receive
3259 payment of a negotiated portion of revenues over the life of the
3260 public-private partnership.

3261 (e) The private entity shall provide an investment grade
3262 traffic and revenue study prepared by an internationally
3263 recognized traffic and revenue expert that is accepted by the
3264 national bond rating agencies. The private entity shall also
3265 provide a finance plan that identifies the project cost,
3266 revenues by source, financing, major assumptions, internal rate
3267 of return on private investments, and whether any government
3268 funds are assumed to deliver a cost feasible project, and a
3269 total cash flow analysis beginning with implementation of the
3270 project and extending for the term of the agreement. The amount
3271 of the toll or fares included in the provisions of agreements
3272 under this section shall be consistent with projections included

3273 in the study, plan, and analysis provided under this paragraph.
3274 Specific elements to be described shall include, but are not
3275 limited to, the following:

3276 1. The estimate of ridership and a forecast of annual toll
3277 revenues. The method of producing the estimates shall be
3278 described in sufficient detail to allow the projections to be
3279 verified. Assumptions used in the process shall be clearly
3280 indicated.

3281 2. Forecasts shall be provided of any additional sources
3282 of revenue anticipated from the proposed facility with clearly
3283 stated assumptions and data and methods used to develop the
3284 forecasts. Sources for revenue might include the receipts from
3285 advertising, station concessions, royalties, and licenses.

3286 3. The amount of associated real estate development and
3287 supplemental revenue sources that will be used to supplement
3288 operations.

3289 4. If subsidies will be required in the early years of a
3290 facility's operation, the source, amount, how they are to be
3291 used, and the years in which they will be needed shall be
3292 specified. Appropriate contact information and supporting
3293 documentation must be provided for each type of fund source for
3294 analysis and review by the department.

3295 (3) Each private transportation facility constructed
3296 pursuant to this section shall comply with all requirements of
3297 federal, state, and local laws; state, regional, and local
3298 comprehensive plans; department rules, policies, procedures, and
3299 standards for transportation facilities; and any other
3300 conditions which the department determines to be in the public's

3301 best interest.

3302 (4) The department may exercise any power possessed by it,
3303 including eminent domain, with respect to the development and
3304 construction of state transportation projects to facilitate the
3305 development and construction of transportation projects pursuant
3306 to this section. The department may provide services to the
3307 private entity. Agreements for maintenance, law enforcement, and
3308 other services entered into pursuant to this section shall
3309 provide for full reimbursement for services rendered for
3310 projects not on the State Highway System.

3311 (5) Except as herein provided, the provisions of this
3312 section are not intended to amend existing laws by granting
3313 additional powers to, or further restricting, local governmental
3314 entities from regulating and entering into cooperative
3315 arrangements with the private sector for the planning,
3316 construction, and operation of transportation facilities.

3317 (6) The procurement of public-private partnerships by the
3318 department shall follow the provisions of this section. Sections
3319 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
3320 337.185, 337.19, 337.221, and 337.251 shall not apply to
3321 procurements under this section unless a provision is included
3322 in the procurement documents. The department shall ensure that
3323 generally accepted business practices for exemptions provided by
3324 this subsection are part of the procurement process or are
3325 included in the public-private partnership agreement.

3326 (a) The department may request proposals from private
3327 entities for public-private transportation projects or, if the
3328 department receives an unsolicited proposal, the department

3329 shall publish a notice in the Florida Administrative Weekly and
 3330 a newspaper of general circulation at least once a week for 2
 3331 weeks stating that the department has received the proposal and
 3332 will accept, for 120 ~~60~~ days after the initial date of
 3333 publication, other proposals for the same project purpose. A
 3334 copy of the notice must be mailed to each local government in
 3335 the affected area.

3336 (b) Public-private partnerships shall be qualified by the
 3337 department as part of the procurement process as outlined in the
 3338 procurement documents, provided such process ensures that the
 3339 private firm meets at least the minimum department standards for
 3340 qualification in department rule for professional engineering
 3341 services and road and bridge contracting prior to submitting a
 3342 proposal under the procurement.

3343 (c) The department shall ensure that procurement documents
 3344 include provisions for performance of the private entity and
 3345 payment of subcontractors, including, but not limited to, surety
 3346 bonds, letters of credit, parent company guarantees, and lender
 3347 and equity partner guarantees. The department shall balance the
 3348 structure of the security package for the public-private
 3349 partnership that ensures performance and payment of
 3350 subcontractors with the cost of the security to ensure the most
 3351 efficient pricing.

3352 (d) After the public notification period has expired, the
 3353 department shall rank the proposals in order of preference. In
 3354 ranking the proposals, the department may consider factors that
 3355 include, ~~including,~~ but are not limited to, professional
 3356 qualifications, general business terms, innovative engineering

3357 or cost-reduction terms, finance plans, and the need for state
3358 funds to deliver the project. If the department is not satisfied
3359 with the results of the negotiations, the department may, at its
3360 sole discretion, terminate negotiations with the proposer. If
3361 these negotiations are unsuccessful, the department may go to
3362 the second-ranked and lower-ranked firms, in order, using this
3363 same procedure. If only one proposal is received, the department
3364 may negotiate in good faith and, if the department is not
3365 satisfied with the results of the negotiations, the department
3366 may, at its sole discretion, terminate negotiations with the
3367 proposer. Notwithstanding this subsection, the department may,
3368 at its discretion, reject all proposals at any point in the
3369 process up to completion of a contract with the proposer.

3370 (e) The department shall perform a cost-benefit, value-
3371 for-money analysis of the proposed public-private partnership
3372 that demonstrates the cost-effectiveness and overall public
3373 benefit at the following times:

- 3374 1. Prior to moving forward with the procurement; and
3375 2. If the procurement moves forward, prior to awarding the
3376 contract.

3377 (7) The department may lend funds from the Toll Facilities
3378 Revolving Trust Fund, as outlined in s. 338.251, to private
3379 entities that construct projects on the State Highway System
3380 containing toll facilities that are approved under this section.
3381 To be eligible, a private entity must comply with s. 338.251 and
3382 must provide an indication from a nationally recognized rating
3383 agency that the senior bonds for the project will be investment
3384 grade, or must provide credit support such as a letter of credit

3385 or other means acceptable to the department, to ensure that the
3386 loans will be fully repaid. The state's liability for the
3387 funding of a facility is limited to the amount approved for that
3388 specific facility in the department's 5-year work program
3389 adopted pursuant to s. 339.135.

3390 (8) The department may use innovative finance techniques
3391 associated with a public-private partnership under this section,
3392 including, but not limited to, federal loans as provided in
3393 Title 23 and Title 49 of the Code of Federal Regulations,
3394 commercial bank loans, and hedges against inflation from
3395 commercial banks or other private sources.

3396 (9) The department may enter into public-private
3397 partnership agreements that include extended terms providing
3398 annual payments for performance based on the availability of
3399 service or the facility being open to traffic or based on the
3400 level of traffic using the facility. In addition to other
3401 provisions in this section, the following provisions shall
3402 apply:

3403 (a) The annual payments under such agreement shall be
3404 included in the department's tentative work program developed
3405 under s. 339.135 and the long-range transportation plan for the
3406 applicable metropolitan planning organization developed under s.
3407 339.175. The department shall ensure that annual payments on
3408 multiyear public-private partnership agreements are prioritized
3409 ahead of new capacity projects in the development and updating
3410 of the tentative work program.

3411 (b) The annual payments are subject to annual
3412 appropriation by the Legislature as provided in the General

3413 Appropriations Act in support of the first year of the tentative
 3414 work program.

3415 (10) Prior to entering such agreement where funds are
 3416 committed from the State Transportation Trust Fund, the project
 3417 must be prioritized as follows:

3418 (a) The department, in coordination with the local
 3419 metropolitan planning organization, shall prioritize projects
 3420 included in the Strategic Intermodal System 10-year and long-
 3421 range cost feasible plans.

3422 (b) The department, in coordination with the local
 3423 metropolitan planning organization or local government where
 3424 there is no metropolitan planning organization, shall prioritize
 3425 projects, for facilities not on the Strategic Intermodal System,
 3426 included in the metropolitan planning organization cost feasible
 3427 transportation improvement plan and long-range transportation
 3428 plan.

3429 (11) Public-private partnership agreements under this
 3430 section shall be limited to a term not exceeding 50 years. Upon
 3431 making written findings that an agreement under this section
 3432 requires a term in excess of 50 years, the secretary of the
 3433 department may authorize a term of up to 75 years. Agreements
 3434 under this section shall not have a term in excess of 75 years
 3435 unless specifically approved by the Legislature. The department
 3436 shall identify each new project under this section with a term
 3437 exceeding 75 years in the transmittal letter that accompanies
 3438 the submittal of the tentative work program to the Governor and
 3439 the Legislature in accordance with s. 339.135.

3440 (12) The department shall ensure that no more than 25

3441 percent of total federal and state funding in any given year for
 3442 the State Transportation Trust Fund shall be obligated
 3443 collectively for all projects under this section.

3444 (13) Notwithstanding s. 338.165, any revenues returned to
 3445 the department pursuant to a public-private partnership
 3446 agreement under this section shall be used for capacity projects
 3447 as follows:

3448 (a) If the revenue-producing project is on the State
 3449 Highway System, notwithstanding s. 339.135(4)(a), any revenues
 3450 returned to the department pursuant to a public-private
 3451 partnership agreement shall be used for capacity improvements of
 3452 the State Highway System or up to 50 percent of the project cost
 3453 on public transit capital improvements authorized under Title 49
 3454 of the United States Code and specified in s. 341.051.

3455 (b) If the revenue-producing project is on the county road
 3456 system, any revenues returned to the department pursuant to a
 3457 public-private partnership agreement shall be used for capacity
 3458 improvements of state or county roads or transit facilities
 3459 within the county or counties in which the revenue-producing
 3460 project is located.

3461 ~~(8) A fixed guideway transportation system authorized by~~
 3462 ~~the department to be wholly or partially within the department's~~
 3463 ~~right of way pursuant to a lease granted under s. 337.251 may~~
 3464 ~~operate at any safe speed.~~

3465 Section 50. Section 338.165, Florida Statutes, is amended
 3466 to read:

3467 338.165 Continuation of tolls.--

3468 (1) The department, any transportation or expressway

3469 authority or, in the absence of an authority, a county or
 3470 counties may continue to collect the toll on a revenue-producing
 3471 project after the discharge of any bond indebtedness related to
 3472 such project and may increase such toll. All tolls so collected
 3473 shall first be used to pay the annual cost of the operation,
 3474 maintenance, and improvement of the toll project.

3475 (2) If the revenue-producing project is on the State
 3476 Highway System, any remaining toll revenue shall be used for the
 3477 construction, maintenance, or improvement of any road on the
 3478 State Highway System within the county or counties in which the
 3479 revenue-producing project is located, ~~except as provided in s.~~
 3480 ~~348.0004.~~

3481 (3) Notwithstanding any other provision of law, the
 3482 department or any transportation or expressway authority shall,
 3483 at a minimum, index toll rates on existing toll facilities to
 3484 the annual Consumer Price Index or similar inflation indicators.
 3485 Toll rate adjustments for inflation under this subsection may be
 3486 made no more frequently than once a year and must be made no
 3487 less frequently than once every 5 years as necessary to
 3488 accommodate cash toll rate schedules. Toll rates may be
 3489 increased beyond these limits as directed by bond documents,
 3490 covenants, or governing body authorization or pursuant to
 3491 department administrative rule.

3492 (4) ~~(3)~~ Notwithstanding any other law to the contrary,
 3493 pursuant to s. 11, Art. VII of the State Constitution, and
 3494 subject to the requirements of subsection (2), the Department of
 3495 Transportation may request the Division of Bond Finance to issue
 3496 bonds secured by toll revenues collected on the Alligator Alley,

3497 the Sunshine Skyway Bridge, the Beeline-East Expressway, the
 3498 Navarre Bridge, and the Pinellas Bayway to fund transportation
 3499 projects located within the county or counties in which the
 3500 project is located and contained in the adopted work program of
 3501 the department.

3502 (5)~~(4)~~ If the revenue-producing project is on the county
 3503 road system, any remaining toll revenue shall be used for the
 3504 construction, maintenance, or improvement of any other state or
 3505 county road within the county or counties in which the revenue-
 3506 producing project is located,~~except as provided in s. 348.0004.~~

3507 (6)~~(5)~~ Selection of projects on the State Highway System
 3508 for construction, maintenance, or improvement with toll revenues
 3509 shall be, with the concurrence of the department, consistent
 3510 with the Florida Transportation Plan.

3511 (7)~~(6)~~ Notwithstanding the provisions of subsection (1),
 3512 and not including high occupancy toll lanes or express lanes, no
 3513 tolls may be charged for use of an interstate highway where
 3514 tolls were not charged as of July 1, 1997.

3515 (8)~~(7)~~ With the exception of subsection (3), this section
 3516 does not apply to the turnpike system as defined under the
 3517 Florida Turnpike Enterprise Law.

3518 Section 51. Paragraph (d) of subsection (2) and paragraph
 3519 (c) of subsection (4) of section 348.0003, Florida Statutes, are
 3520 amended to read:

3521 348.0003 Expressway authority; formation; membership.--

3522 (2) The governing body of an authority shall consist of
 3523 not fewer than five nor more than nine voting members. The
 3524 district secretary of the affected department district shall

3525 | serve as a nonvoting member of the governing body of each
3526 | authority located within the district. Each member of the
3527 | governing body must at all times during his or her term of
3528 | office be a permanent resident of the county which he or she is
3529 | appointed to represent.

3530 | (d) Notwithstanding any provision to the contrary in this
3531 | subsection, in any county as defined in s. 125.011(1), the
3532 | governing body shall be abolished on or before December 31,
3533 | 2007. Prior to the termination of the existing governing body, a
3534 | new governing body consisting of eight members shall be
3535 | appointed as follows:

3536 | 1. Three voting members shall be appointed by the board of
3537 | county commissioners of the county served by the authority.
3538 | Members appointed under this subparagraph shall serve a term of
3539 | 4 years each; however, for the purpose of providing staggered
3540 | terms, the initial appointees shall serve terms as follows: one
3541 | member shall serve for 1 year, one member shall serve for 2
3542 | years, and one member shall serve for 3 years.

3543 | 2. Four voting members shall be appointed by the Governor
3544 | subject to confirmation by the Senate at the next regular
3545 | session of the Legislature. Refusal or failure of the Senate to
3546 | confirm an appointment shall create a vacancy. Members appointed
3547 | under this subparagraph shall serve a term of 4 years each;
3548 | however, for the purpose of providing staggered terms, the
3549 | initial appointees shall serve terms as follows: one member
3550 | shall serve for 1 year, one member shall serve for 2 years, one
3551 | member shall serve for 3 years, and one member shall serve for 4
3552 | years.

3553 3. One member shall be the district secretary of the
 3554 department serving in the district that contains the county
 3555 served by the authority, who shall serve ex officio ~~of an~~
 3556 ~~authority shall consist of up to 13 members, and the following~~
 3557 ~~provisions of this paragraph shall apply specifically to such~~
 3558 ~~authority. Except for the district secretary of the department,~~
 3559 ~~the members must be residents of the county. Seven voting~~
 3560 ~~members shall be appointed by the governing body of the county.~~
 3561 ~~At the discretion of the governing body of the county, up to two~~
 3562 ~~of the members appointed by the governing body of the county may~~
 3563 ~~be elected officials residing in the county. Five voting members~~
 3564 ~~of the authority shall be appointed by the Governor. One member~~
 3565 ~~shall be the district secretary of the department serving in the~~
 3566 ~~district that contains such county. This member shall be an ex~~
 3567 ~~officio voting member of the authority. If the governing board~~
 3568 ~~of an authority includes any member originally appointed by the~~
 3569 ~~governing body of the county as a nonvoting member, when the~~
 3570 ~~term of such member expires, that member shall be replaced by a~~
 3571 ~~member appointed by the Governor until the governing body of the~~
 3572 ~~authority is composed of seven members appointed by the~~
 3573 ~~governing body of the county and five members appointed by the~~
 3574 ~~Governor. The qualifications, terms of office, and obligations~~
 3575 ~~and rights of members of the authority shall be determined by~~
 3576 ~~resolution or ordinance of the governing body of the county in a~~
 3577 ~~manner that is consistent with subsections (3) and (4).~~

3578 (4)

3579 (c) Members of an authority shall be required to comply
 3580 with the applicable financial disclosure requirements of s. 8,

3581 Art. II of the State Constitution ss. ~~112.3145, 112.3148, and~~
 3582 ~~112.3149.~~

3583 Section 52. Subsections (8) and (9) of section 348.0004,
 3584 Florida Statutes, are renumbered as subsections (9) and (10),
 3585 respectively, and a new subsection (8) is added to that section,
 3586 to read:

3587 348.0004 Purposes and powers.--

3588 (8) Notwithstanding any provision of law, an expressway
 3589 authority located in a county as defined in s. 125.011(1) may
 3590 not contract with any lobbyist as defined in s. 11.045(1)(f) to
 3591 represent the authority and its interests. This does not
 3592 preclude full-time employees of the authority from lobbying on
 3593 the authority's behalf.

3594 Section 53. Subsection (27) is added to section 479.01,
 3595 Florida Statutes, to read:

3596 479.01 Definitions.--As used in this chapter, the term:

3597 (27) "Wall mural" means a sign that is a painting or an
 3598 artistic work composed of photographs or arrangements of color
 3599 and that displays a commercial or noncommercial message, relies
 3600 solely on the side of the building for rigid structural support,
 3601 and is painted on the building or depicted on vinyl, fabric, or
 3602 other similarly flexible material that is held in place flush or
 3603 flat against the surface of the building. The term excludes a
 3604 painting or work placed on a structure that is erected for the
 3605 sole or primary purpose of signage.

3606 Section 54. Section 479.156, Florida Statutes, is created
 3607 to read:

3608 479.156 Wall murals.--Notwithstanding any other provision

3609 of this chapter, a municipality or county may permit and
 3610 regulate wall murals within areas designated by such government.
 3611 If a municipality or county permits wall murals, a wall mural
 3612 that displays a commercial message and is within 660 feet of the
 3613 nearest edge of the right-of-way within an area adjacent to the
 3614 interstate highway system or the federal-aid primary highway
 3615 system must be located in an area that is zoned for industrial
 3616 or commercial use, and the municipality or county shall
 3617 establish and enforce regulations for such areas that, at a
 3618 minimum, set forth criteria governing the size, lighting, and
 3619 spacing of wall murals consistent with the intent of the Highway
 3620 Beautification Act of 1965 and with customary use. A wall mural
 3621 that is subject to municipal or county regulation and the
 3622 Highway Beautification Act of 1965 must be approved by the
 3623 Department of Transportation and the Federal Highway
 3624 Administration and may not violate the agreement between the
 3625 state and the United States Department of Transportation or
 3626 violate federal regulations enforced by the Department of
 3627 Transportation under s. 479.02(1). The existence of a wall mural
 3628 as defined in s. 479.01(27) shall not be considered in
 3629 determining whether a sign as defined under s. 479.01(17),
 3630 either existing or new, is in compliance with s. 479.07(9)(a).

3631 Section 55. Section 2 of chapter 89-383, Laws of Florida,
 3632 is amended to read:

3633 Section 2. Red Road is hereby designated as a state
 3634 historic highway. No public funds shall be expended for:

- 3635 (1) The removal of any healthy tree which is not a safety
 3636 hazard.

3637 (2) Any alteration of the physical dimensions or location
 3638 of Red Road, the median strip thereof, the land adjacent
 3639 thereto, or any part of the original composition of the
 3640 entranceway, including the towers, the walls, and the lampposts.

3641 (3) Any construction on or along Red Road of any new
 3642 structure, or any building, clearing, filling, or excavating on
 3643 or along Red Road except for routine maintenance or alterations,
 3644 modifications, or improvements to it and the adjacent right-of-
 3645 way made for the purpose of enhancing life safety for vehicular
 3646 or pedestrian use of Red Road if the number of traffic lanes is
 3647 not altered ~~work which is essential to the health, safety, or~~
 3648 ~~welfare of the environment.~~

3649 Section 56. Department of Transportation study of
 3650 transportation facilities providing access to Indian
 3651 reservations; report and recommendations authorized.--

3652 (1) The Department of Transportation is directed to
 3653 conduct a study of the impacts that legalized gambling and other
 3654 activities on Indian reservation lands are having on public
 3655 roads and other transportation facilities, regarding traffic
 3656 congestion and other mobility issues, facility maintenance and
 3657 repair costs, emergency evacuation readiness, costs of potential
 3658 future widening or other improvements, and other impacts on the
 3659 motoring, nongaming public.

3660 (2) The study shall include, but is not limited to, the
 3661 following information:

3662 (a) A listing, description, and functional classification
 3663 of the access roads to and from each Indian reservation in the
 3664 state.

3665 (b) An identification of these access roads that either
3666 are scheduled for improvements within the department's 5-year
3667 Work Program, or are listed on the department's or a
3668 metropolitan planning organization's 20-year, long-range
3669 transportation plan.

3670 (c) The most recent traffic counts on the access roads and
3671 projected future usage, as well as any projections of impacts on
3672 secondary, feeder, or connector roads, interstate highway exit
3673 and entrance ramps, or other area transportation facilities.

3674 (d) The safety and maintenance ratings of each access road
3675 and a detailed review of impacts on local and state emergency
3676 management agencies to provide emergency or evacuation services.

3677 (e) The estimated infrastructure costs to maintain,
3678 improve, or widen these access roads based on future projected
3679 needs.

3680 (f) The feasibility of implementing tolls on these access
3681 roads or, if already tolled, raising the toll to offset and
3682 mitigate the impacts of traffic generated by Indian reservation
3683 gaming activities on nontribal communities in the state and to
3684 finance projected future improvements to the access roads.

3685 (3) The department shall present its findings and
3686 recommendations in a report to be submitted to the Governor, the
3687 President of the Senate, and the Speaker of the House of
3688 Representatives by January 15, 2008. The report may include
3689 department recommendations for proposed legislation.

3690 Section 57. Section 163.3182, Florida Statutes, is created
3691 to read:

3692 163.3182 Transportation concurrency backlogs.--

3693 (1) DEFINITIONS.--For purposes of this section, the term:
 3694 (a) "Transportation construction backlog area" means the
 3695 geographic area within the unincorporated portion of a county or
 3696 within the municipal boundary of a municipality designated in a
 3697 local government comprehensive plan for which a transportation
 3698 concurrency backlog authority is created pursuant to this
 3699 section.
 3700 (b) "Authority" or "transportation concurrency backlog
 3701 authority" means the governing body of a county or municipality
 3702 within which an authority is created.
 3703 (c) "Governing body" means the council, commission, or
 3704 other legislative body charged with governing the county or
 3705 municipality within which a transportation concurrency backlog
 3706 authority is created pursuant to this section.
 3707 (d) "Transportation concurrency backlog" means an
 3708 identified deficiency where the existing extent of traffic
 3709 volume exceeds the level of service standard adopted in a local
 3710 government comprehensive plan for a transportation facility.
 3711 (e) "Transportation concurrency backlog plan" means the
 3712 plan adopted as part of a local government comprehensive plan by
 3713 the governing body of a county or municipality acting as a
 3714 transportation concurrency backlog authority.
 3715 (f) "Transportation concurrency backlog project" means any
 3716 designated transportation project identified for construction
 3717 within the jurisdiction of a transportation construction backlog
 3718 authority.
 3719 (g) "Debt service millage" means any millage levied
 3720 pursuant to s. 12, Art. VII of the State Constitution.

3721 (h) "Increment revenue" means the amount calculated
 3722 pursuant to subsection (5).

3723 (i) "Taxing authority" means a public body that levies or
 3724 is authorized to levy an ad valorem tax on real property located
 3725 within a transportation concurrency backlog area except school
 3726 districts.

3727 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 3728 AUTHORITIES.--

3729 (a) A county or municipality may create a transportation
 3730 concurrency backlog authority if it has an identified
 3731 transportation concurrency backlog.

3732 (b) Acting as the transportation concurrency backlog
 3733 authority within its jurisdictional boundary, the governing body
 3734 of a county or municipality shall adopt and implement a plan to
 3735 eliminate all identified transportation concurrency backlogs
 3736 within its jurisdiction using funds provided pursuant to
 3737 subsection (5) and as otherwise provided pursuant to this
 3738 section.

3739 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 3740 AUTHORITY.--Each transportation concurrency backlog authority
 3741 has the powers necessary or convenient to carry out the purposes
 3742 of this section, including the following powers in addition to
 3743 others granted in this section:

3744 (a) To make and execute contracts and other instruments
 3745 necessary or convenient to the exercise of its powers under this
 3746 section.

3747 (b) To undertake and carry out transportation concurrency
 3748 backlog projects for all transportation facilities that have a

3749 concurrency backlog within the authority's jurisdiction.

3750 Concurrency backlog projects may include transportation

3751 facilities that provide for alternative modes of travel

3752 including sidewalks, bikeways, and mass transit which are

3753 related to a backlogged transportation facility.

3754 (c) To invest any transportation concurrency backlog funds

3755 held in reserve, sinking funds, or any such funds not required

3756 for immediate disbursement in property or securities in which

3757 savings banks may legally invest funds subject to the control of

3758 the authority and to redeem such bonds as have been issued

3759 pursuant to this section at the redemption price established

3760 therein, or to purchase such bonds at less than redemption

3761 price. All such bonds redeemed or purchased shall be canceled.

3762 (d) To borrow money, apply for and accept advances, loans,

3763 grants, contributions, and any other forms of financial

3764 assistance from the Federal Government or the state, county, or

3765 any other public body or from any sources, public or private,

3766 for the purposes of this part, to give such security as may be

3767 required, to enter into and carry out contracts or agreements,

3768 and to include in any contracts for financial assistance with

3769 the Federal Government for or with respect to a transportation

3770 concurrency backlog project and related activities such

3771 conditions imposed pursuant to federal laws as the

3772 transportation concurrency backlog authority considers

3773 reasonable and appropriate and which are not inconsistent with

3774 the purposes of this section.

3775 (e) To make or have made all surveys and plans necessary

3776 to the carrying out of the purposes of this section, to contract

3777 with any persons, public or private, in making and carrying out
 3778 such plans, and to adopt, approve, modify, or amend such
 3779 transportation concurrency backlog plans.

3780 (f) To appropriate such funds and make such expenditures
 3781 as are necessary to carry out the purposes of this section, and
 3782 to enter into agreements with other public bodies, which
 3783 agreements may extend over any period notwithstanding any
 3784 provision or rule of law to the contrary.

3785 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3786 (a) Each transportation concurrency backlog authority
 3787 shall adopt a transportation concurrency backlog plan as a part
 3788 of the local government comprehensive plan within 6 months after
 3789 the creation of the authority. The plan shall:

3790 1. Identify all transportation facilities that have been
 3791 designated as deficient and require the expenditure of moneys to
 3792 upgrade, modify, or mitigate the deficiency.

3793 2. Include a priority listing of all transportation
 3794 facilities that have been designated as deficient and do not
 3795 satisfy concurrency requirements pursuant to s. 163.3180, and
 3796 the applicable local government comprehensive plan.

3797 3. Establish a schedule for financing and construction of
 3798 transportation concurrency backlog projects that will eliminate
 3799 transportation concurrency backlogs within the jurisdiction of
 3800 the authority within 10 years after the transportation
 3801 concurrency backlog plan adoption. The schedule shall be adopted
 3802 as part of the local government comprehensive plan.

3803 (b) The adoption of the transportation concurrency backlog
 3804 plan shall be exempt from the provisions of s. 163.3187(1).

3805 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
 3806 concurrency backlog authority shall establish a local
 3807 transportation concurrency backlog trust fund upon creation of
 3808 the authority. Each local trust fund shall be administered by
 3809 the transportation concurrency backlog authority within which a
 3810 transportation concurrency backlog has been identified.
 3811 Beginning in the first fiscal year after the creation of the
 3812 authority, each local trust fund shall be funded by the proceeds
 3813 of an ad valorem tax increment collected within each
 3814 transportation concurrency backlog area to be determined
 3815 annually and shall be 25 percent of the difference between:

3816 (a) The amount of ad valorem tax levied each year by each
 3817 taxing authority, exclusive of any amount from any debt service
 3818 millage, on taxable real property contained within the
 3819 jurisdiction of the transportation concurrency backlog authority
 3820 and within the transportation backlog area; and

3821 (b) The amount of ad valorem taxes which would have been
 3822 produced by the rate upon which the tax is levied each year by
 3823 or for each taxing authority, exclusive of any debt service
 3824 millage, upon the total of the assessed value of the taxable
 3825 real property within the transportation concurrency backlog area
 3826 as shown on the most recent assessment roll used in connection
 3827 with the taxation of such property of each taxing authority
 3828 prior to the effective date of the ordinance funding the trust
 3829 fund.

3830 (6) EXEMPTIONS.--

3831 (a) The following public bodies or taxing authorities are
 3832 exempt from the provision of this section:

- 3833 1. A special district that levies ad valorem taxes on
 3834 taxable real property in more than one county.
- 3835 2. A special district for which the sole available source
 3836 of revenue is the authority to levy ad valorem taxes at the time
 3837 an ordinance is adopted under this section. However, revenues or
 3838 aid that may be dispensed or appropriated to a district as
 3839 defined in s. 388.011 at the discretion of an entity other than
 3840 such district shall not be deemed available.
- 3841 3. A library district.
- 3842 4. A neighborhood improvement district created under the
 3843 Safe Neighborhoods Act.
- 3844 5. A metropolitan transportation authority.
- 3845 6. A water management district created under s. 373.069.
- 3846 (b) A transportation concurrency exemption authority may
 3847 also exempt from this section a special district that levies ad
 3848 valorem taxes within the transportation concurrency backlog area
 3849 pursuant to s. 163.387(2)(d).
- 3850 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
 3851 adoption of a transportation concurrency backlog plan as a part
 3852 of the local government comprehensive plan, and the plan going
 3853 into effect, the area subject to the plan shall be deemed to
 3854 have achieved and maintained transportation level of service
 3855 standards, and to have met requirements for financial
 3856 feasibility for transportation facilities, and for the purpose
 3857 of proposed development transportation concurrency has been
 3858 satisfied. Proportionate fair share mitigation shall be limited
 3859 to ensure that a development inside a transportation concurrency
 3860 backlog area is not responsible for the additional costs of

3861 eliminating backlogs.

3862 (8) DISSOLUTION.--Upon completion of all transportation
3863 concurrency backlog projects, a transportation concurrency
3864 backlog authority shall be dissolved and its assets and
3865 liabilities shall be transferred to the county or municipality
3866 within which the authority is located. All remaining assets of
3867 the authority must be used for implementation of transportation
3868 projects within the jurisdiction of the authority. The local
3869 government comprehensive plan shall be amended to remove the
3870 transportation concurrency backlog plan.

3871 Section 58. This act shall take effect July 1, 2007.