

1 A bill to be entitled

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

29 | the governing body of an M.P.O. to file and maintain an  
30 | action in court to require an employer to remit retirement  
31 | or social security member contributions or employer  
32 | matching payments; amending s. 121.081, F.S.; providing  
33 | for M.P.O. officers and staff to claim credit for past  
34 | service for retirement benefits; amending s. 163.3180,  
35 | F.S.; authorizing the establishment of a study to evaluate  
36 | the benefits and barriers of establishing a regional  
37 | multimodal transportation concurrency district; creating  
38 | s. 163.3182, F.S.; providing for the creation of  
39 | transportation concurrency backlog authorities; providing  
40 | powers and responsibilities of such authorities; providing  
41 | for transportation concurrency backlog plans; providing  
42 | for the issuance of revenue bonds for certain purposes;  
43 | providing for the establishment of a local trust fund  
44 | within each county or municipality having an identified  
45 | transportation concurrency backlog; providing exemptions  
46 | from transportation concurrency requirements; providing  
47 | for the satisfaction of concurrency requirements;  
48 | providing for dissolution of transportation concurrency  
49 | backlog authorities; amending s. 163.3191, F.S.; exempting  
50 | from a prohibition on plan amendments certain amendments  
51 | to local comprehensive plans concerning the integration of  
52 | port master plans; amending s. 212.055, F.S.; deleting a  
53 | provision prohibiting a school district, county, or  
54 | municipality from issuing bonds more than once each year  
55 | pledging the proceeds of certain discretionary taxes;  
56 | amending s. 215.615, F.S.; revising the Department of

57 Transportation's requirement to share certain costs of  
58 fixed-guideway system projects; revising criteria for an  
59 interlocal agreement to establish bond financing for  
60 fixed-guideway system projects; revising provisions for  
61 sources of funds for the payment of bonds; amending s.  
62 311.22, F.S.; revising funding for certain dredging  
63 projects; amending s. 316.2123, F.S.; authorizing a county  
64 to designate certain unpaved roadways where an ATV may be  
65 operated; providing conditions for such operation;  
66 amending s. 316.605, F.S.; providing height and placement  
67 requirements for vehicle license plates; prohibiting  
68 display that obscures identification of the letters and  
69 numbers on a license plate; providing penalties; amending  
70 s. 316.650, F.S.; revising procedures for disposition of  
71 citations issued for failure to pay toll; providing that  
72 the citation will not be submitted to the court and no  
73 points will be assessed on the driver's license if the  
74 person cited elects to make payment directly to the  
75 governmental entity that issued the citation; providing  
76 for reporting of the citation by the governmental entity  
77 to the Department of Highway Safety and Motor Vehicles;  
78 amending s. 318.14, F.S.; providing for the amount  
79 required to be paid under certain procedures for  
80 disposition of a citation issued for failure to pay toll;  
81 providing for the person cited to request a court hearing;  
82 amending s. 318.18, F.S.; revising penalties for failure  
83 to pay a prescribed toll; providing for disposition of  
84 amounts received by the clerk of court; removing

85 | procedures for withholding of adjudication; providing for  
86 | suspension of a driver's license under certain  
87 | circumstances; revising authorized uses of revenue  
88 | received by a county from a certain surcharge; revising  
89 | penalty provisions to provide for certain criminal  
90 | penalties; imposing a surcharge to be paid for specified  
91 | traffic-related criminal offenses and all moving traffic  
92 | violations; providing for distribution of the proceeds of  
93 | the surcharge to be used for the state agency law  
94 | enforcement radio system; providing for future expiration;  
95 | amending s. 318.21, F.S.; revising distribution provisions  
96 | to provide for distribution of the surcharge; providing  
97 | for future expiration; amending s. 320.061, F.S.;  
98 | prohibiting interfering with the legibility, angular  
99 | visibility, or detectability of any feature or detail on a  
100 | license plate or interfering with the ability to  
101 | photograph or otherwise record any feature or detail on a  
102 | license plate; providing penalties; repealing second  
103 | paragraph contained in Specific Appropriation 2188 of the  
104 | 2007-2008 General Appropriations Act; amending s. 332.007,  
105 | F.S.; authorizing the Department of Transportation to  
106 | provide funds for certain general aviation projects under  
107 | certain circumstances; extending the timeframe that the  
108 | department is authorized to provide operational and  
109 | maintenance assistance to certain airports and may  
110 | redirect the use of certain funds to security-related or  
111 | economic-impact projects related to the events of  
112 | September 11, 2001; amending s. 332.14, F.S.; providing

113 | that certain members of the Secure Airports for Florida's  
114 | Economy Council shall be nonvoting members; authorizing  
115 | certain members to overrule certain actions of the  
116 | council; amending s. 334.351, F.S.; requiring nonprofit  
117 | youth organizations that contract with the Department of  
118 | Transportation for the purpose of operating youth work  
119 | experience programs to certify that the program  
120 | participants are residents of the state and possess valid  
121 | identification; specifying criteria for the department to  
122 | consider in awarding contracts to such organizations;  
123 | requiring that the nonprofit youth organizations submit  
124 | certain reports and audits to the department and  
125 | demonstrate participation in a peer assessment or review  
126 | process; amending s. 336.025, F.S.; deleting a prohibition  
127 | against local governments issuing certain bonds secured by  
128 | revenues from local option fuel taxes more than once a  
129 | year; amending s. 336.41, F.S.; revising an exception to  
130 | competitive-bid requirements for certain county road  
131 | construction and reconstruction projects; increasing the  
132 | value threshold under which the exception applies;  
133 | defining the term "construction aggregate materials";  
134 | providing legislative intent; prohibiting a local  
135 | government from approving or denying a land use zoning  
136 | change, comprehensive plan amendment, land use permit,  
137 | ordinance, or order regarding construction aggregate  
138 | materials without considering information provided by the  
139 | Department of Transportation and considering the effect of  
140 | such decision; prohibiting an agency from imposing a

141 moratorium on the mining and extraction of construction  
142 aggregate materials of longer than a specified period;  
143 providing that limerock environmental resource permitting  
144 and reclamation applications are eligible to be expedited;  
145 establishing the Strategic Aggregates Review Task Force;  
146 providing for membership, staffing, reporting, and  
147 expiration; providing for support and the coordination of  
148 data and information for the task force; requiring that  
149 the task force report its findings to the Governor and the  
150 Legislature; providing report requirements; providing for  
151 the dissolution of the task force; creating s. 337.026,  
152 F.S.; authorizing the Department of Transportation to  
153 pursue procurement techniques relating to construction  
154 aggregate materials; authorizing the department to enter  
155 into agreements for construction aggregate materials;  
156 providing exceptions; providing requirements for such  
157 exceptions; amending s. 337.11, F.S.; providing that  
158 certain construction projects be advertised for bids in  
159 local newspapers; amending s. 337.14, F.S.; authorizing  
160 the department to waive specified prequalification  
161 requirements for certain transportation projects under  
162 certain conditions; amending s. 337.18, F.S.; revising  
163 surety bond requirements for construction or maintenance  
164 contracts; providing for incremental annual surety bonds  
165 for multiyear maintenance contracts under certain  
166 conditions; revising the threshold for transportation  
167 projects eligible for a waiver of surety bond  
168 requirements; authorizing the department to provide for

169 |       phased surety bond coverage or an alternate means of  
170 |       security for a portion of the contract amount in lieu of  
171 |       the surety bond; amending s. 338.161, F.S.; providing for  
172 |       the Department of Transportation and certain toll agencies  
173 |       to enter into agreements with public or private entities  
174 |       for additional uses of electronic toll collection products  
175 |       and services; authorizing feasibility studies by the  
176 |       department or a toll agency of additional uses of  
177 |       electronic toll devices for legislative consideration;  
178 |       amending s. 338.2275, F.S.; raising the limit on  
179 |       outstanding bonds to fund turnpike projects; removing a  
180 |       provision authorizing the department to acquire the  
181 |       Sawgrass Expressway from the Broward County Expressway  
182 |       Authority; amending s. 338.231, F.S.; extending the  
183 |       timeframe for application of requirement that the  
184 |       department program in the tentative work program certain  
185 |       funds relative to the share of toll collections  
186 |       attributable to users of the turnpike system in certain  
187 |       areas; removing a reference to conform; amending s.  
188 |       339.08, F.S.; allowing moneys in the State Transportation  
189 |       Trust Fund to be used to pay the cost of the Enhanced  
190 |       Bridge Program for Sustainable Transportation; authorizing  
191 |       the department to use funds for certain circumstances;  
192 |       amending s. 339.175, F.S.; revising intent; providing the  
193 |       method of creation and operation of M.P.O.'s required to  
194 |       be designated pursuant to federal law; specifying that an  
195 |       M.P.O. is separate from the state or the governing body of  
196 |       a local government that is represented on the governing

197 board of the M.P.O. or that is a signatory to the  
198 interlocal agreement creating the M.P.O.; providing  
199 specified powers and privileges to the M.P.O.; providing  
200 for the designation and duties of certain officials;  
201 revising requirements for voting membership; defining the  
202 term "elected officials of a general-purpose local  
203 government" to exclude certain constitutional officers for  
204 voting membership purposes; providing for the appointment  
205 of alternates and advisers; providing that members of an  
206 M.P.O. technical advisory committee shall serve at the  
207 pleasure of the M.P.O.; providing for the appointment of  
208 an executive or staff director and other personnel;  
209 authorizing an M.P.O. to enter into contracts with public  
210 or private entities to accomplish its duties and  
211 functions; providing for the training of certain persons  
212 who serve on an M.P.O. for certain purposes; requiring  
213 that certain plans, programs, and amendments that affect  
214 projects be approved by each M.P.O. on a recorded roll  
215 call vote, or hand-counted vote, of a majority of the  
216 membership present; amending s. 339.2819, F.S.; revising  
217 the share of matching funds for a public transportation  
218 project provided from the Transportation Regional  
219 Incentive Program; creating s. 339.282, F.S.; providing  
220 legislative findings; providing that property owners or  
221 developers who voluntarily contribute right-of-way and  
222 physically construct or expand a state transportation  
223 facility or segment may receive certain credits against  
224 any future transportation concurrency requirements under



225 certain conditions; creating s. 339.285, F.S.; creating  
226 the Enhanced Bridge Program for Sustainable Transportation  
227 within the Department of Transportation; providing for the  
228 use of funds in the program; providing project guidelines  
229 for program funding; amending s. 339.55, F.S.; providing  
230 for the use of State Infrastructure Bank loans for certain  
231 damaged transportation facilities in areas officially  
232 declared to be in a state of emergency; providing  
233 criteria; amending s. 339.63, F.S.; specifying criteria  
234 for types of facilities of the Strategic Intermodal System  
235 and the Emerging Strategic Intermodal System; directing  
236 the Department of Transportation to designate facilities  
237 to an intermodal system based on the criteria; directing  
238 the Secretary of Transportation to designate airports  
239 meeting specified criteria as part of the Strategic  
240 Intermodal System; amending s. 341.071, F.S.; requiring  
241 certain public transit providers to annually report  
242 potential productivity and performance enhancements;  
243 amending s. 343.81, F.S.; prohibiting elected officials  
244 from serving on the Northwest Florida Transportation  
245 Corridor Authority; providing for application of the  
246 prohibition to apply to persons appointed to serve on the  
247 authority after a certain date; amending s. 343.82, F.S.;  
248 directing the authority to plan for and study the  
249 feasibility of constructing, operating, and maintaining a  
250 bridge or bridges, and appurtenant structures, spanning  
251 Choctawhatchee Bay or Santa Rosa Sound; authorizing the  
252 authority to construct, operate, and maintain said bridges

253 and structures; amending s. 334.30, F.S.; authorizing the  
254 Department of Transportation to advance certain projects  
255 in the Strategic Intermodal System Plan using funds  
256 provided by public-private partnerships or private  
257 entities; providing criteria for such leasing agreements;  
258 providing that procurements of public-private partnerships  
259 are not subject to specified provisions unless they are  
260 part of the procurement agreement or the public-private  
261 agreement; extending the unsolicited private proposal  
262 advertisement period; providing criteria for qualification  
263 of public-private partnerships as part of the procurement  
264 process; providing for certain innovative financing  
265 techniques for public-private partnerships; authorizing  
266 the department to enter into public-private partnership  
267 agreements that include extended terms under certain  
268 conditions; requiring the department to provide a summary  
269 of new public-private partnerships under certain  
270 conditions; requiring certain projects to be prioritized  
271 for selection; providing public-private partnership  
272 agreement term limits; limiting the amount of certain  
273 funds that may be obligated for public-private projects;  
274 removing a provision for the speed of a certain fixed-  
275 guideway transportation system; amending s. 338.165, F.S.;  
276 providing for toll rate increases that are tied to certain  
277 inflation indicators; providing for increases beyond  
278 inflation amounts; amending s. 338.234, F.S.; granting the  
279 Florida Turnpike Enterprise, its lessees, and licensees an  
280 exemption from paying commercial rental tax on capital

281 improvements; amending s. 348.0003, F.S.; revising  
282 members' financial disclosure requirements; amending s.  
283 348.0004, F.S.; authorizing certain transportation-related  
284 authorities to enter into agreements with private entities  
285 for the building, operation, ownership, or financing of  
286 transportation facilities; amending s. 348.0012, F.S.;  
287 revising provisions for certain exemptions from the  
288 Florida Expressway Authority Act; amending s. 348.754,  
289 F.S.; authorizing the Orlando-Orange County Expressway  
290 Authority to waive payment and performance bonds on  
291 certain construction contracts if the contract is awarded  
292 pursuant to an economic development program for the  
293 encouragement of local small businesses; providing  
294 criteria for participation in the program; providing  
295 criteria for the bond waiver; providing for certain  
296 determinations by the authority's executive director or a  
297 designee as to the suitability of a project; providing for  
298 certain payment obligations if a payment and performance  
299 bond is waived; requiring the authority to record notice  
300 of the obligation; limiting eligibility to bid on the  
301 projects; providing for the authority to conduct bond  
302 eligibility training for certain businesses; requiring the  
303 authority to submit biennial reports to the Orange County  
304 legislative delegation; amending ss. 163.3177, 339.176,  
305 and 341.828, F.S.; correcting cross-references; amending  
306 s. 2, ch. 89-383, Laws of Florida; providing for certain  
307 alterations to and along Red Road in Miami-Dade County for  
308 transportation safety purposes; amending s. 479.01, F.S.;

309 defining the term "wall mural"; creating s. 479.156, F.S.;  
 310 providing for the regulation of wall murals by  
 311 municipalities and counties; requiring that certain wall  
 312 murals be located in areas zoned for industrial or  
 313 commercial use; requiring that the local regulation of  
 314 wall murals be consistent with specified criteria;  
 315 requiring the Department of Transportation to approve a  
 316 wall mural under certain conditions; amending s. 316.1951,  
 317 F.S.; revising provisions relating to parking vehicles on  
 318 public property for the purpose of displaying the vehicles  
 319 for sale, hire, or rental; providing exceptions;  
 320 prohibiting certain acts in the sale of motor vehicles;  
 321 providing the Department of Management Services authority  
 322 to issue bonds for the site development and construction  
 323 of a First District Court of Appeals facility at a  
 324 specified location; providing an effective date.

325

326 Be It Enacted by the Legislature of the State of Florida:

327

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

330 20.23 Department of Transportation.--There is created a  
 331 Department of Transportation which shall be a decentralized  
 332 agency.

333 (2)

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

335 1. Recommend major transportation policies for the  
 336 Governor's approval, and assure that approved policies and any

337 revisions thereto are properly executed.

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

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

351       4. Monitor the financial status of the department on a  
352 regular basis to assure that the department is managing revenue  
353 and bond proceeds responsibly and in accordance with law and  
354 established policy.

355       5. Monitor on at least a quarterly basis, the efficiency,  
356 productivity, and management of the department, using  
357 performance and production standards developed by the commission  
358 pursuant to s. 334.045.

359       6. Perform an in-depth evaluation of the factors causing  
360 disruption of project schedules in the adopted work program and  
361 recommend to the Legislature and the Governor methods to  
362 eliminate or reduce the disruptive effects of these factors.

363       7. Recommend to the Governor and the Legislature  
364 improvements to the department's organization in order to

365 streamline and optimize the efficiency of the department. In  
 366 reviewing the department's organization, the commission shall  
 367 determine if the current district organizational structure is  
 368 responsive to Florida's changing economic and demographic  
 369 development patterns. The initial report by the commission must  
 370 be delivered to the Governor and Legislature by December 15,  
 371 2000, and each year thereafter, as appropriate. The commission  
 372 may retain such experts as are reasonably necessary to  
 373 effectuate this subparagraph, and the department shall pay the  
 374 expenses of such experts.

375 8. Monitor the efficiency, productivity, and management of  
 376 the authorities created under chapters 343 and 348, including  
 377 any authority formed using the provisions of part I of chapter  
 378 348. The commission shall also conduct periodic reviews of each  
 379 authority's operations and budget, acquisition of property,  
 380 management of revenue and bond proceeds, and compliance with  
 381 applicable laws and generally accepted accounting principles.

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

- 385 1. The awarding of contracts.
- 386 2. The selection of a consultant or contractor or the  
 387 prequalification of any individual consultant or contractor.  
 388 However, the commission may recommend to the secretary standards  
 389 and policies governing the procedure for selection and  
 390 prequalification of consultants and contractors.
- 391 3. The selection of a route for a specific project.
- 392 4. The specific location of a transportation facility.

393 5. The acquisition of rights-of-way.

394 6. The employment, promotion, demotion, suspension,  
395 transfer, or discharge of any department personnel.

396 7. The granting, denial, suspension, or revocation of any  
397 license or permit issued by the department.

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

400 112.061 Per diem and travel expenses of public officers,  
401 employees, and authorized persons.--

402 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
403 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
404 ORGANIZATIONS.--

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

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

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

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

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

421 5. Any metropolitan planning organization created pursuant  
 422 to s. 339.175 or any other separate legal or administrative  
 423 entity created pursuant to s. 339.175 of which a metropolitan  
 424 planning organization is a member, by the enactment of a  
 425 resolution.

426 (b) Rates established pursuant to paragraph (a) must apply  
 427 uniformly to all travel by the county, county constitutional  
 428 officer and entity governed by that officer, district school  
 429 board, ~~or~~ special district, or metropolitan planning  
 430 organization.

431 (c) Except as otherwise provided in this subsection,  
 432 counties, county constitutional officers and entities governed  
 433 by those officers, district school boards, ~~and~~ special  
 434 districts, and metropolitan planning organizations, other than  
 435 those subject to s. 166.021(10), remain subject to the  
 436 requirements of this section.

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

439 120.52 Definitions.--As used in this act:

440 (1) "Agency" means:

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

443 (b) Each:

444 1. State officer and state department, and each  
 445 departmental unit described in s. 20.04.

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

447 3. Board.

448 4. Commission, including the Commission on Ethics and the



449 Fish and Wildlife Conservation Commission when acting pursuant  
 450 to statutory authority derived from the Legislature.

451 5. Regional planning agency.

452 6. Multicounty special district with a majority of its  
 453 governing board comprised of nonelected persons.

454 7. Educational units.

455 8. Entity described in chapters 163, 373, 380, and 582 and  
 456 s. 186.504.

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

461

462 This definition does not include any legal entity or agency  
 463 created in whole or in part pursuant to chapter 361, part II,  
 464 any metropolitan planning organization created pursuant to s.  
 465 339.175, any separate legal or administrative entity created  
 466 pursuant to s. 339.175 of which a metropolitan planning  
 467 organization is a member, an expressway authority pursuant to  
 468 chapter 348 or transportation authority under chapter 349, any  
 469 legal or administrative entity created by an interlocal  
 470 agreement pursuant to s. 163.01(7), unless any party to such  
 471 agreement is otherwise an agency as defined in this subsection,  
 472 or any multicounty special district with a majority of its  
 473 governing board comprised of elected persons; however, this  
 474 definition shall include a regional water supply authority.

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

477           349.03 Jacksonville Transportation Authority.--  
 478           (3) The terms of appointed members shall be for 4 years  
 479 deemed to have commenced on June 1 of the year in which they are  
 480 appointed. Each member shall hold office until a successor has  
 481 been appointed and has qualified. A vacancy during a term shall  
 482 be filled by the respective appointing authority only for the  
 483 balance of the unexpired term. Any member appointed to the  
 484 authority for two consecutive full terms shall not be eligible  
 485 for appointment to the next succeeding term. One of the members  
 486 so appointed shall be designated annually by the members as  
 487 chair of the authority, one member shall be designated annually  
 488 as the vice chair of the authority, one member shall be  
 489 designated annually as the secretary of the authority, and one  
 490 member shall be designated annually as the treasurer of the  
 491 authority. The members of the authority shall not be entitled to  
 492 compensation, but shall be reimbursed for travel expenses or  
 493 other expenses actually incurred in their duties as provided by  
 494 law. Four voting members of the authority shall constitute a  
 495 quorum, and no resolution adopted by the authority shall become  
 496 effective unless with the affirmative vote of at least four  
 497 members. The authority shall ~~may~~ employ an executive director,  
 498 and the executive director may hire such staff, permanent or  
 499 temporary, as he or she may determine and may organize the staff  
 500 of the authority into such departments and units as he or she  
 501 may determine ~~divisions as it deems necessary~~. The executive  
 502 director ~~It~~ may appoint department directors, deputy directors,  
 503 division chiefs, and staff assistants to the executive director,  
 504 as he or she may determine. In so appointing the executive

505 director, the authority may fix the compensation of such  
506 appointee ~~those appointees~~, who shall serve at the pleasure of  
507 the authority. All employees of the authority shall be exempt  
508 from the provisions of part II of chapter 110. The authority may  
509 employ such financial advisers and consultants, technical  
510 experts, engineers, and agents and employees, permanent or  
511 temporary, as it may require and may fix the compensation and  
512 qualifications of such persons, firms, or corporations. The  
513 authority may delegate to one or more of its agents or employees  
514 such of its powers as it shall deem necessary to carry out the  
515 purposes of this chapter, subject always to the supervision and  
516 control of the governing body of the authority.

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

519 349.04 Purposes and powers.--

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

524 (n) To adopt rules to carry out the powers and obligations  
525 herein granted, which set forth a purpose, necessary  
526 definitions, forms, general conditions and procedures, and fines  
527 and penalties, including, without limitation, suspension or  
528 debarment, and charges for nonperformance, with respect to any  
529 aspect of the work or function of the authority for the  
530 permitting, planning, funding, design, acquisition,  
531 construction, equipping, operation, and maintenance of  
532 transportation facilities, transit and highway, within the

533 state, provided or operated by the authority or others in  
 534 cooperation with or at the direction of the authority, and for  
 535 carrying out all other purposes of the authority set forth or  
 536 authorized in this chapter.

537 Section 6. Subsection (11), paragraph (a) of subsection  
 538 (42), and paragraph (b) of subsection (52) of section 121.021,  
 539 Florida Statutes, are amended, and subsection (62) is added to  
 540 that section, to read:

541 121.021 Definitions.--The following words and phrases as  
 542 used in this chapter have the respective meanings set forth  
 543 unless a different meaning is plainly required by the context:

544 (11) "Officer or employee" means any person receiving  
 545 salary payments for work performed in a regularly established  
 546 position and, if employed by a city, a metropolitan planning  
 547 organization, or a special district, employed in a covered  
 548 group.

549 (42) (a) "Local agency employer" means the board of county  
 550 commissioners or other legislative governing body of a county,  
 551 however styled, including that of a consolidated or metropolitan  
 552 government; a clerk of the circuit court, sheriff, property  
 553 appraiser, tax collector, or supervisor of elections, provided  
 554 such officer is elected or has been appointed to fill a vacancy  
 555 in an elective office; a community college board of trustees or  
 556 district school board; or the governing body of any city, metropolitan planning organization created pursuant to s.  
 557 339.175 or any other separate legal or administrative entity  
 558 created pursuant to s. 339.175, or special district of the state  
 559 which participates in the system for the benefit of certain of  
 560

561 its employees.

562 (52) "Regularly established position" is defined as  
563 follows:

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

569 (62) "Metropolitan planning organization" means an entity  
570 created by an interlocal agreement pursuant to s. 339.175 or any  
571 other entity created pursuant to s. 339.175.

572 Section 7. Paragraph (b) of subsection (2) of section  
573 121.051, Florida Statutes, is amended to read:

574 121.051 Participation in the system.--

575 (2) OPTIONAL PARTICIPATION.--

576 (b)1. The governing body of any municipality, metropolitan  
577 planning organization, or special district in the state may  
578 elect to participate in the system upon proper application to  
579 the administrator and may cover all or any of its units as  
580 approved by the Secretary of Health and Human Services and the  
581 administrator. The department shall adopt rules establishing  
582 provisions for the submission of documents necessary for such  
583 application. Prior to being approved for participation in the  
584 Florida Retirement System, the governing body of any such  
585 municipality, metropolitan planning organization, or special  
586 district that has a local retirement system shall submit to the  
587 administrator a certified financial statement showing the  
588 condition of the local retirement system as of a date within 3

589 months prior to the proposed effective date of membership in the  
590 Florida Retirement System. The statement must be certified by a  
591 recognized accounting firm that is independent of the local  
592 retirement system. All required documents necessary for  
593 extending Florida Retirement System coverage must be received by  
594 the department for consideration at least 15 days prior to the  
595 proposed effective date of coverage. If the municipality,  
596 metropolitan planning organization, or special district does not  
597 comply with this requirement, the department may require that  
598 the effective date of coverage be changed.

599 2. Any city, metropolitan planning organization, or  
600 special district that has an existing retirement system covering  
601 the employees in the units that are to be brought under the  
602 Florida Retirement System may participate only after holding a  
603 referendum in which all employees in the affected units have the  
604 right to participate. Only those employees electing coverage  
605 under the Florida Retirement System by affirmative vote in said  
606 referendum shall be eligible for coverage under this chapter,  
607 and those not participating or electing not to be covered by the  
608 Florida Retirement System shall remain in their present systems  
609 and shall not be eligible for coverage under this chapter. After  
610 the referendum is held, all future employees shall be compulsory  
611 members of the Florida Retirement System.

612 3. The governing body of any city, metropolitan planning  
613 organization, or special district complying with subparagraph 1.  
614 may elect to provide, or not provide, benefits based on past  
615 service of officers and employees as described in s. 121.081(1).  
616 However, if such employer elects to provide past service

617 benefits, such benefits must be provided for all officers and  
618 employees of its covered group.

619 4. Once this election is made and approved it may not be  
620 revoked, except pursuant to subparagraphs 5. and 6., and all  
621 present officers and employees electing coverage under this  
622 chapter and all future officers and employees shall be  
623 compulsory members of the Florida Retirement System.

624 5. Subject to the conditions set forth in subparagraph 6.,  
625 the governing body of any hospital licensed under chapter 395  
626 which is governed by the board of a special district as defined  
627 in s. 189.403(1) or by the board of trustees of a public health  
628 trust created under s. 154.07, hereinafter referred to as  
629 "hospital district," and which participates in the system, may  
630 elect to cease participation in the system with regard to future  
631 employees in accordance with the following procedure:

632 a. No more than 30 days and at least 7 days before  
633 adopting a resolution to partially withdraw from the Florida  
634 Retirement System and establish an alternative retirement plan  
635 for future employees, a public hearing must be held on the  
636 proposed withdrawal and proposed alternative plan.

637 b. From 7 to 15 days before such hearing, notice of intent  
638 to withdraw, specifying the time and place of the hearing, must  
639 be provided in writing to employees of the hospital district  
640 proposing partial withdrawal and must be published in a  
641 newspaper of general circulation in the area affected, as  
642 provided by ss. 50.011-50.031. Proof of publication of such  
643 notice shall be submitted to the Department of Management  
644 Services.

645 c. The governing body of any hospital district seeking to  
646 partially withdraw from the system must, before such hearing,  
647 have an actuarial report prepared and certified by an enrolled  
648 actuary, as defined in s. 112.625(3), illustrating the cost to  
649 the hospital district of providing, through the retirement plan  
650 that the hospital district is to adopt, benefits for new  
651 employees comparable to those provided under the Florida  
652 Retirement System.

653 d. Upon meeting all applicable requirements of this  
654 subparagraph, and subject to the conditions set forth in  
655 subparagraph 6., partial withdrawal from the system and adoption  
656 of the alternative retirement plan may be accomplished by  
657 resolution duly adopted by the hospital district board. The  
658 hospital district board must provide written notice of such  
659 withdrawal to the division by mailing a copy of the resolution  
660 to the division, postmarked no later than December 15, 1995. The  
661 withdrawal shall take effect January 1, 1996.

662 6. Following the adoption of a resolution under sub-  
663 subparagraph 5.d., all employees of the withdrawing hospital  
664 district who were participants in the Florida Retirement System  
665 prior to January 1, 1996, shall remain as participants in the  
666 system for as long as they are employees of the hospital  
667 district, and all rights, duties, and obligations between the  
668 hospital district, the system, and the employees shall remain in  
669 full force and effect. Any employee who is hired or appointed on  
670 or after January 1, 1996, may not participate in the Florida  
671 Retirement System, and the withdrawing hospital district shall  
672 have no obligation to the system with respect to such employees.



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

675 121.055 Senior Management Service Class.--There is hereby  
 676 established a separate class of membership within the Florida  
 677 Retirement System to be known as the "Senior Management Service  
 678 Class," which shall become effective February 1, 1987.

679 (1)

680 (1) For each metropolitan planning organization that has  
 681 opted to become part of the Florida Retirement System,  
 682 participation in the Senior Management Service Class shall be  
 683 compulsory for the executive director or staff director of that  
 684 metropolitan planning organization.

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

687 121.061 Funding.--

688 (2) (a) Should any employer other than a state employer  
 689 fail to make the retirement and social security contributions,  
 690 both member and employer contributions, required by this  
 691 chapter, then, upon request by the administrator, the Department  
 692 of Revenue or the Department of Financial Services, as the case  
 693 may be, shall deduct the amount owed by the employer from any  
 694 funds to be distributed by it to the county, city, metropolitan  
 695 planning organization, special district, or consolidated form of  
 696 government. The amounts so deducted shall be transferred to the  
 697 administrator for further distribution to the trust funds in  
 698 accordance with this chapter.

699 (c) The governing body of each county, city, metropolitan  
 700 planning organization, special district, or consolidated form of

701 government participating under this chapter or the  
702 administrator, acting individually or jointly, is hereby  
703 authorized to file and maintain an action in the courts of the  
704 state to require any employer to remit any retirement or social  
705 security member contributions or employer matching payments due  
706 the retirement or social security trust funds under the  
707 provisions of this chapter.

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

710 121.081 Past service; prior service; contributions.--  
711 Conditions under which past service or prior service may be  
712 claimed and credited are:

713 (1) (a) Past service, as defined in s. 121.021(18), may be  
714 claimed as creditable service by officers or employees of a  
715 city, metropolitan planning organization, or special district  
716 that become a covered group under this system. The governing  
717 body of a covered group in compliance with s. 121.051(2)(b) may  
718 elect to provide benefits with respect to past service earned  
719 prior to January 1, 1975, in accordance with this chapter, and  
720 the cost for such past service shall be established by applying  
721 the following formula: The member contribution for both regular  
722 and special risk members shall be 4 percent of the gross annual  
723 salary for each year of past service claimed, plus 4-percent  
724 employer matching contribution, plus 4 percent interest thereon  
725 compounded annually, figured on each year of past service, with  
726 interest compounded from date of annual salary earned until July  
727 1, 1975, and 6.5 percent interest compounded annually thereafter  
728 until date of payment. Once the total cost for a member has been

729 figured to date, then after July 1, 1975, 6.5 percent compounded  
730 interest shall be added each June 30 thereafter on any unpaid  
731 balance until the cost of such past service liability is paid in  
732 full. The following formula shall be used in calculating past  
733 service earned prior to January 1, 1975: (Annual gross salary  
734 multiplied by 8 percent) multiplied by the 4 percent or 6.5  
735 percent compound interest table factor, as may be applicable.  
736 The resulting product equals cost to date for each particular  
737 year of past service.

738 (b) Past service earned after January 1, 1975, may be  
739 claimed by officers or employees of a city, metropolitan  
740 planning organization, or special district that becomes a  
741 covered group under this system. The governing body of a covered  
742 group may elect to provide benefits with respect to past service  
743 earned after January 1, 1975, in accordance with this chapter,  
744 and the cost for such past service shall be established by  
745 applying the following formula: The employer shall contribute an  
746 amount equal to the contribution rate in effect at the time the  
747 service was earned, multiplied by the employee's gross salary  
748 for each year of past service claimed, plus 6.5 percent interest  
749 thereon, compounded annually, figured on each year of past  
750 service, with interest compounded from date of annual salary  
751 earned until date of payment.

752 (e) Past service, as defined in s. 121.021(18), may be  
753 claimed as creditable service by a member of the Florida  
754 Retirement System who formerly was an officer or employee of a  
755 city, metropolitan planning organization, or special district,  
756 notwithstanding the status or form of the retirement system, if

757 any, of that city, metropolitan planning organization, or  
758 special district and irrespective of whether officers or  
759 employees of that city, metropolitan planning organization, or  
760 special district now or hereafter become a covered group under  
761 the Florida Retirement System. Such member may claim creditable  
762 service and be entitled to the benefits accruing to the regular  
763 class of members as provided for the past service claimed under  
764 this paragraph by paying into the retirement trust fund an  
765 amount equal to the total actuarial cost of providing the  
766 additional benefit resulting from such past-service credit,  
767 discounted by the applicable actuarial factors to date of  
768 retirement.

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

771 163.3180 Concurrency.--

772 (15)

773 (e) By December 1, 2007, the Department of Transportation,  
774 in consultation with the state land planning agency and  
775 interested local governments, may designate a study area for  
776 conducting a pilot project to determine the benefits of and  
777 barriers to establishing a regional multimodal transportation  
778 concurrency district that extends over more than one local  
779 government jurisdiction. If designated:

780 1. The study area must be in a county that has a  
781 population of at least 1,000 persons per square mile, be within  
782 an urban service area, and have the consent of the local  
783 governments within the study area. The Department of  
784 Transportation and the state land planning agency shall provide

785 technical assistance.

786 2. The local governments within the study area and the  
 787 Department of Transportation, in consultation with the state  
 788 land planning agency, shall cooperatively create a multimodal  
 789 transportation plan that meets the requirements of this section.  
 790 The multimodal transportation plan must include viable local  
 791 funding options and incorporate community design features,  
 792 including a range of mixed land uses and densities and  
 793 intensities, which will reduce the number of automobile trips or  
 794 vehicle miles of travel while supporting an integrated,  
 795 multimodal transportation system.

796 3. To effectuate the multimodal transportation concurrency  
 797 district, participating local governments may adopt appropriate  
 798 comprehensive plan amendments.

799 4. The Department of Transportation, in consultation with  
 800 the state land planning agency, shall submit a report by March  
 801 1, 2009, to the Governor, the President of the Senate, and the  
 802 Speaker of the House of Representatives on the status of the  
 803 pilot project. The report must identify any factors that support  
 804 or limit the creation and success of a regional multimodal  
 805 transportation district including intergovernmental  
 806 coordination.

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

809 163.3182 Transportation concurrency backlogs.--

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

811 (a) "Transportation concurrency backlog area" means the  
 812 geographic area within the unincorporated portion of a county or

813 within the municipal boundary of a municipality designated in a  
814 local government comprehensive plan for which a transportation  
815 concurrency backlog authority is created pursuant to this  
816 section. A transportation concurrency backlog area created  
817 within the corporate boundary of a municipality shall be made  
818 pursuant to an interlocal agreement between a county, a  
819 municipality or municipalities, and any affected taxing  
820 authority or authorities.

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

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

828 (d) "Transportation concurrency backlog" means an  
829 identified deficiency where the existing extent of traffic  
830 volume exceeds the level of service standard adopted in a local  
831 government comprehensive plan for a transportation facility.

832 (e) "Transportation concurrency backlog plan" means the  
833 plan adopted as part of a local government comprehensive plan by  
834 the governing body of a county or municipality acting as a  
835 transportation concurrency backlog authority.

836 (f) "Transportation concurrency backlog project" means any  
837 designated transportation project identified for construction  
838 within the jurisdiction of a transportation concurrency backlog  
839 authority.

840 (g) "Debt service millage" means any millage levied

841 pursuant to s. 12, Art. VII of the State Constitution.

842 (h) "Increment revenue" means the amount calculated  
843 pursuant to subsection (5).

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

848 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
849 AUTHORITIES.--

850 (a) A county or municipality may create a transportation  
851 concurrency backlog authority if it has an identified  
852 transportation concurrency backlog.

853 (b) Acting as the transportation concurrency backlog  
854 authority within the authority's jurisdictional boundary, the  
855 governing body of a county or municipality shall adopt and  
856 implement a plan to eliminate all identified transportation  
857 concurrency backlogs within the authority's jurisdiction using  
858 funds provided pursuant to subsection (5) and as otherwise  
859 provided pursuant to this section.

860 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG  
861 AUTHORITY.--Each transportation concurrency backlog authority  
862 has the powers necessary or convenient to carry out the purposes  
863 of this section, including the following powers in addition to  
864 others granted in this section:

865 (a) To make and execute contracts and other instruments  
866 necessary or convenient to the exercise of its powers under this  
867 section.

868 (b) To undertake and carry out transportation concurrency

869 backlog projects for transportation facilities that have a  
870 concurrency backlog within the authority's jurisdiction.  
871 Concurrency backlog projects may include transportation  
872 facilities that provide for alternative modes of travel  
873 including sidewalks, bikeways, and mass transit which are  
874 related to a backlogged transportation facility.

875 (c) To invest any transportation concurrency backlog funds  
876 held in reserve, sinking funds, or any such funds not required  
877 for immediate disbursement in property or securities in which  
878 savings banks may legally invest funds subject to the control of  
879 the authority and to redeem such bonds as have been issued  
880 pursuant to this section at the redemption price established  
881 therein, or to purchase such bonds at less than redemption  
882 price. All such bonds redeemed or purchased shall be canceled.

883 (d) To borrow money, apply for and accept advances, loans,  
884 grants, contributions, and any other forms of financial  
885 assistance from the Federal Government or the state, county, or  
886 any other public body or from any sources, public or private,  
887 for the purposes of this part, to give such security as may be  
888 required, to enter into and carry out contracts or agreements,  
889 and to include in any contracts for financial assistance with  
890 the Federal Government for or with respect to a transportation  
891 concurrency backlog project and related activities such  
892 conditions imposed pursuant to federal laws as the  
893 transportation concurrency backlog authority considers  
894 reasonable and appropriate and which are not inconsistent with  
895 the purposes of this section.

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



897 to the carrying out of the purposes of this section, to contract  
 898 with any persons, public or private, in making and carrying out  
 899 such plans, and to adopt, approve, modify, or amend such  
 900 transportation concurrency backlog plans.

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

906 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

907 (a) Each transportation concurrency backlog authority  
 908 shall adopt a transportation concurrency backlog plan as a part  
 909 of the local government comprehensive plan within 6 months after  
 910 the creation of the authority. The plan shall:

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

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

918 3. Establish a schedule for financing and construction of  
 919 transportation concurrency backlog projects that will eliminate  
 920 transportation concurrency backlogs within the jurisdiction of  
 921 the authority within 10 years after the transportation  
 922 concurrency backlog plan adoption. The schedule shall be adopted  
 923 as part of the local government comprehensive plan.

924 (b) The adoption of the transportation concurrency backlog

925 plan shall be exempt from the provisions of s. 163.3187(1).

926 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation  
 927 concurrency backlog authority shall establish a local  
 928 transportation concurrency backlog trust fund upon creation of  
 929 the authority. Each local trust fund shall be administered by  
 930 the transportation concurrency backlog authority within which a  
 931 transportation concurrency backlog has been identified.  
 932 Beginning in the first fiscal year after the creation of the  
 933 authority, each local trust fund shall be funded by the proceeds  
 934 of an ad valorem tax increment collected within each  
 935 transportation concurrency backlog area to be determined  
 936 annually and shall be 25 percent of the difference between:

937 (a) The amount of ad valorem tax levied each year by each  
 938 taxing authority, exclusive of any amount from any debt service  
 939 millage, on taxable real property contained within the  
 940 jurisdiction of the transportation concurrency backlog authority  
 941 and within the transportation backlog area; and

942 (b) The amount of ad valorem taxes which would have been  
 943 produced by the rate upon which the tax is levied each year by  
 944 or for each taxing authority, exclusive of any debt service  
 945 millage, upon the total of the assessed value of the taxable  
 946 real property within the transportation concurrency backlog area  
 947 as shown on the most recent assessment roll used in connection  
 948 with the taxation of such property of each taxing authority  
 949 prior to the effective date of the ordinance funding the trust  
 950 fund.

951 (6) EXEMPTIONS.--

952 (a) The following public bodies or taxing authorities are

953 exempt from the provision of this section:

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

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

962 3. A library district.

963 4. A neighborhood improvement district created under the  
 964 Safe Neighborhoods Act.

965 5. A metropolitan transportation authority.

966 6. A water management district created under s. 373.069.

967 7. A community redevelopment agency.

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

972 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon  
 973 adoption of a transportation concurrency backlog plan as a part  
 974 of the local government comprehensive plan, and the plan going  
 975 into effect, the area subject to the plan shall be deemed to  
 976 have achieved and maintained transportation level of service  
 977 standards, and to have met requirements for financial  
 978 feasibility for transportation facilities, and for the purpose  
 979 of proposed development transportation concurrency has been  
 980 satisfied. Proportionate fair share mitigation shall be limited

981 to ensure that a development inside a transportation concurrency  
 982 backlog area is not responsible for the additional costs of  
 983 eliminating backlogs.

984 (8) DISSOLUTION.--Upon completion of all transportation  
 985 concurrency backlog projects, a transportation concurrency  
 986 backlog authority shall be dissolved and its assets and  
 987 liabilities shall be transferred to the county or municipality  
 988 within which the authority is located. All remaining assets of  
 989 the authority must be used for implementation of transportation  
 990 projects within the jurisdiction of the authority. The local  
 991 government comprehensive plan shall be amended to remove the  
 992 transportation concurrency backlog plan.

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

995 163.3191 Evaluation and appraisal of comprehensive plan.--

996 (14) The requirement of subsection (10) prohibiting a  
 997 local government from adopting amendments to the local  
 998 comprehensive plan until the evaluation and appraisal report  
 999 update amendments have been adopted and transmitted to the state  
 1000 land planning agency does not apply to a plan amendment proposed  
 1001 for adoption by the appropriate local government as defined in  
 1002 s. 163.3178(2)(k) in order to integrate a port comprehensive  
 1003 master plan with the coastal management element of the local  
 1004 comprehensive plan as required by s. 163.3178(2)(k) if the port  
 1005 comprehensive master plan or the proposed plan amendment does  
 1006 not cause or contribute to the failure of the local government  
 1007 to comply with the requirements of the evaluation and appraisal  
 1008 report.

1009 Section 14. Paragraph (e) of subsection (2) of section  
 1010 212.055, Florida Statutes, are amended to read:

1011 212.055 Discretionary sales surtaxes; legislative intent;  
 1012 authorization and use of proceeds.--It is the legislative intent  
 1013 that any authorization for imposition of a discretionary sales  
 1014 surtax shall be published in the Florida Statutes as a  
 1015 subsection of this section, irrespective of the duration of the  
 1016 levy. Each enactment shall specify the types of counties  
 1017 authorized to levy; the rate or rates which may be imposed; the  
 1018 maximum length of time the surtax may be imposed, if any; the  
 1019 procedure which must be followed to secure voter approval, if  
 1020 required; the purpose for which the proceeds may be expended;  
 1021 and such other requirements as the Legislature may provide.  
 1022 Taxable transactions and administrative procedures shall be as  
 1023 provided in s. 212.054.

1024 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

1025 (e) School districts, counties, and municipalities  
 1026 receiving proceeds under the provisions of this subsection may  
 1027 pledge such proceeds for the purpose of servicing new bond  
 1028 indebtedness incurred pursuant to law. Local governments may use  
 1029 the services of the Division of Bond Finance of the State Board  
 1030 of Administration pursuant to the State Bond Act to issue any  
 1031 bonds through the provisions of this subsection. ~~In no case may~~  
 1032 ~~a jurisdiction issue bonds pursuant to this subsection more~~  
 1033 ~~frequently than once per year.~~ Counties and municipalities may  
 1034 join together for the issuance of bonds authorized by this  
 1035 subsection.

1036 Section 15. Subsection (1) of section 215.615, Florida

1037 Statutes, is amended to read:

1038 215.615 Fixed-guideway transportation systems funding.--

1039 (1) The issuance of revenue bonds by the Division of Bond  
 1040 Finance, on behalf of the Department of Transportation, pursuant  
 1041 to s. 11, Art. VII of the State Constitution, is authorized,  
 1042 pursuant to the State Bond Act, to finance or refinance fixed  
 1043 capital expenditures for fixed-guideway transportation systems,  
 1044 as defined in s. 341.031, including facilities appurtenant  
 1045 thereto, costs of issuance, and other amounts relating to such  
 1046 financing or refinancing. ~~Such revenue bonds shall be matched on~~  
 1047 ~~a 50-50 basis with funds from sources other than revenues of the~~  
 1048 ~~Department of Transportation, in a manner acceptable to the~~  
 1049 ~~Department of Transportation.~~ The Division of Bond Finance is  
 1050 authorized to consider innovative financing techniques,  
 1051 ~~technologies~~ which may include, but are not limited to,  
 1052 innovative bidding and structures of potential financings  
 1053 ~~findings~~ that may result in negotiated transactions. The  
 1054 following conditions apply to the issuance of revenue bonds for  
 1055 fixed-guideway transportation systems:

1056 (a) The department and any participating commuter rail  
 1057 authority or regional transportation authority established under  
 1058 chapter 343, local governments, or local governments  
 1059 collectively by interlocal agreement having jurisdiction of a  
 1060 fixed-guideway transportation system may enter into an  
 1061 interlocal agreement to promote the efficient and cost-effective  
 1062 financing or refinancing of fixed-guideway transportation system  
 1063 projects by revenue bonds issued pursuant to this subsection.  
 1064 The terms of such interlocal agreements shall include provisions

1065 for the Department of Transportation to request the issuance of  
 1066 the bonds on behalf of the parties; shall provide that after  
 1067 reimbursement pursuant to interlocal agreement, the department's  
 1068 share may be up to 50 percent of the eligible project cost,  
 1069 which may include a share of annual ~~each party to the agreement~~  
 1070 ~~is contractually liable for an equal share of funding an amount~~  
 1071 ~~equal to the debt service requirements of such bonds; and shall~~  
 1072 include any other terms, provisions, or covenants necessary to  
 1073 the making of and full performance under such interlocal  
 1074 agreement. Repayments made to the department under any  
 1075 interlocal agreement are not pledged to the repayment of bonds  
 1076 issued hereunder, and failure of the local governmental  
 1077 authority to make such payment shall not affect the obligation  
 1078 of the department to pay debt service on the bonds.

1079 (b) Revenue bonds issued pursuant to this subsection shall  
 1080 not constitute a general obligation of, or a pledge of the full  
 1081 faith and credit of, the State of Florida. Bonds issued pursuant  
 1082 to this section shall be payable from funds available pursuant  
 1083 to s. 206.46(3), or other funds available to the project,  
 1084 subject to annual appropriation. The amount of revenues  
 1085 available for debt service shall never exceed a maximum of 2  
 1086 percent of all state revenues deposited into the State  
 1087 Transportation Trust Fund.

1088 (c) The projects to be financed or refinanced with the  
 1089 proceeds of the revenue bonds issued hereunder are designated as  
 1090 state fixed capital outlay projects for purposes of s. 11(d),  
 1091 Art. VII of the State Constitution, and the specific projects to  
 1092 be financed or refinanced shall be determined by the Department

1093 of Transportation in accordance with state law and  
 1094 appropriations from the State Transportation Trust Fund. Each  
 1095 project to be financed with the proceeds of the bonds issued  
 1096 pursuant to this subsection must first be approved by the  
 1097 Legislature by an act of general law.

1098 (d) Any complaint for validation of bonds issued pursuant  
 1099 to this section shall be filed in the circuit court of the  
 1100 county where the seat of state government is situated, the  
 1101 notice required to be published by s. 75.06 shall be published  
 1102 only in the county where the complaint is filed, and the  
 1103 complaint and order of the circuit court shall be served only on  
 1104 the state attorney of the circuit in which the action is  
 1105 pending.

1106 (e) The state does hereby covenant with holders of such  
 1107 revenue bonds or other instruments of indebtedness issued  
 1108 hereunder, that it will not repeal or impair or amend these  
 1109 provisions in any manner that will materially and adversely  
 1110 affect the rights of such holders as long as bonds authorized by  
 1111 this subsection are outstanding.

1112 (f) This subsection supersedes any inconsistent provisions  
 1113 in existing law.

1114  
 1115 Notwithstanding this subsection, the lien of revenue bonds  
 1116 issued pursuant to this subsection on moneys deposited into the  
 1117 State Transportation Trust Fund shall be subordinate to the lien  
 1118 on such moneys of bonds issued under ss. 215.605, 320.20, and  
 1119 215.616, and any pledge of such moneys to pay operating and  
 1120 maintenance expenses under s. 206.46(5) and chapter 348, as may



1121 be amended.

1122 Section 16. Subsection (1) of section 311.22, Florida  
 1123 Statutes, is amended to read:

1124 311.22 Additional authorization for funding certain  
 1125 dredging projects.--

1126 (1) The Florida Seaport Transportation and Economic  
 1127 Development Council shall establish a program to fund dredging  
 1128 projects in counties having a population of fewer than 300,000  
 1129 according to the last official census. Funds made available  
 1130 under this program may be used to fund approved projects for the  
 1131 dredging or deepening of channels, turning basins, or harbors on  
 1132 a 25-percent local ~~50-50~~ matching basis with any port authority,  
 1133 as such term is defined in s. 315.02(2), which complies with the  
 1134 permitting requirements in part IV of chapter 373 and the local  
 1135 financial management and reporting provisions of part III of  
 1136 chapter 218.

1137 Section 17. Section 316.2123, Florida Statutes, is amended  
 1138 to read:

1139 316.2123 Operation of an ATV on certain roadways.--

1140 (1) The operation of an ATV, as defined in s. 317.0003,  
 1141 upon the public roads or streets of this state is prohibited,  
 1142 except that an ATV may be operated during the daytime on an  
 1143 unpaved roadway where the posted speed limit is less than 35  
 1144 miles per hour ~~by a licensed driver or by a minor under the~~  
 1145 ~~supervision of a licensed driver. The operator must provide~~  
 1146 ~~proof of ownership pursuant to chapter 317 upon request by a law~~  
 1147 ~~enforcement officer.~~

1148 (2) A county is exempt from this section if the governing

1149 body of the county, by majority vote, following a noticed public  
 1150 hearing, votes to exempt the county from this section.  
 1151 Alternatively, a county may, by majority vote after such a  
 1152 hearing, designate certain unpaved roadways where an ATV may be  
 1153 operated during the daytime as long as each such designated  
 1154 roadway has a posted speed limit of less than 35 miles per hour  
 1155 and is appropriately marked to indicate permissible ATV use.

1156 (3) Any ATV operation that is permitted under subsection  
 1157 (1) or subsection (2) may be undertaken only by a licensed  
 1158 driver or a minor who is under the direct supervision of a  
 1159 licensed driver. The operator must provide proof of ownership  
 1160 under chapter 317 upon the request of a law enforcement officer.

1161 Section 18. Subsection (1) of section 316.605, Florida  
 1162 Statutes, is amended to read:

1163 316.605 Licensing of vehicles.--

1164 (1) Every vehicle, at all times while driven, stopped, or  
 1165 parked upon any highways, roads, or streets of this state, shall  
 1166 be licensed in the name of the owner thereof in accordance with  
 1167 the laws of this state unless such vehicle is not required by  
 1168 the laws of this state to be licensed in this state and shall,  
 1169 except as otherwise provided in s. 320.0706 for front-end  
 1170 registration license plates on truck tractors and s. 320.086(5)  
 1171 which exempts display of license plates on described former  
 1172 military vehicles, display the license plate or both of the  
 1173 license plates assigned to it by the state, one on the rear and,  
 1174 if two, the other on the front of the vehicle, each to be  
 1175 securely fastened to the vehicle outside the main body of the  
 1176 vehicle not higher than 60 inches and not lower than 12 inches

1177 from the ground and no more than 24 inches to the left or right  
 1178 of the centerline of the vehicle, and in such manner as to  
 1179 prevent the plates from swinging, and all letters, numerals,  
 1180 printing, writing, and other identification marks upon the  
 1181 plates regarding the word "Florida," the registration decal, and  
 1182 the alphanumeric designation shall be clear and distinct and  
 1183 free from defacement, mutilation, grease, and other obscuring  
 1184 matter, so that they will be plainly visible and legible at all  
 1185 times 100 feet from the rear or front. Vehicle license plates  
 1186 shall be affixed and displayed in such a manner that the letters  
 1187 and numerals shall be read from left to right parallel to the  
 1188 ground. No vehicle license plate may be displayed in an inverted  
 1189 or reversed position or in such a manner that the letters and  
 1190 numbers and their proper sequence are not readily identifiable.  
 1191 Nothing shall be placed upon the face of a Florida plate except  
 1192 as permitted by law or by rule or regulation of a governmental  
 1193 agency. No license plates other than those furnished by the  
 1194 state shall be used. However, if the vehicle is not required to  
 1195 be licensed in this state, the license plates on such vehicle  
 1196 issued by another state, by a territory, possession, or district  
 1197 of the United States, or by a foreign country, substantially  
 1198 complying with the provisions hereof, shall be considered as  
 1199 complying with this chapter. A violation of this subsection is a  
 1200 noncriminal traffic infraction, punishable as a nonmoving  
 1201 violation as provided in chapter 318.

1202 Section 19. Paragraph (b) of subsection (3) of section  
 1203 316.650, Florida Statutes, is amended to read:

1204 316.650 Traffic citations.--

1205 (3)  
 1206 (b) If a traffic citation is issued pursuant to s.  
 1207 316.1001, a traffic enforcement officer may deposit the original  
 1208 and one copy of such traffic citation or, in the case of a  
 1209 traffic enforcement agency that has an automated citation  
 1210 system, may provide an electronic facsimile with a court having  
 1211 jurisdiction over the alleged offense or with its traffic  
 1212 violations bureau within 45 days after the date of issuance of  
 1213 the citation to the violator. If the person cited for the  
 1214 violation of s. 316.1001 makes the election provided by s.  
 1215 318.14(12) and pays the \$25 fine, or such other amount as  
 1216 imposed by the governmental entity owning the applicable toll  
 1217 facility, plus the amount of the unpaid toll that is shown on  
 1218 the traffic citation directly to the governmental entity that  
 1219 issued the citation, or on whose behalf the citation was issued,  
 1220 in accordance with s. 318.14(12), the traffic citation will not  
 1221 be submitted to the court, the disposition will be reported to  
 1222 the department by the governmental entity that issued the  
 1223 citation, or on whose behalf the citation was issued, and no  
 1224 points will be assessed against the person's driver's license.

1225 Section 20. Subsection (12) of section 318.14, Florida  
 1226 Statutes, is amended to read:

1227 318.14 Noncriminal traffic infractions; exception;  
 1228 procedures.--

1229 (12) Any person cited for a violation of s. 316.1001 may,  
 1230 in lieu of making an election as set forth in subsection (4) or  
 1231 s. 318.18(7), elect to pay a his or her fine of \$25, or such  
 1232 other amount as imposed by the governmental entity owning the

1233 applicable toll facility, plus the amount of the unpaid toll  
 1234 that is shown on the traffic citation directly to the  
 1235 governmental entity that issued the citation, or on whose behalf  
 1236 the citation was issued, within 30 days after the date of  
 1237 issuance of the citation. Any person cited for a violation of s.  
 1238 316.1001 who does not elect to pay the fine imposed by the  
 1239 governmental entity owning the applicable toll facility plus the  
 1240 amount of the unpaid toll that is shown on the traffic citation  
 1241 directly to the governmental entity that issued the citation, or  
 1242 on whose behalf the citation was issued, as described in this  
 1243 subsection ~~section~~ shall have an additional 45 days after the  
 1244 date of the issuance of the citation in which to request a court  
 1245 hearing or to pay the civil penalty and delinquent fee, if  
 1246 applicable, as provided in s. 318.18(7), either by mail or in  
 1247 person, in accordance with subsection (4).

1248 Section 21. Section 318.18, Florida Statutes, is amended  
 1249 to read:

1250 318.18 Amount of ~~civil~~ penalties.--The penalties required  
 1251 for a noncriminal disposition pursuant to s. 318.14 or a  
 1252 criminal offense listed in s. 318.17 are as follows:

1253 (1) Fifteen dollars for:

1254 (a) All infractions of pedestrian regulations.

1255 (b) All infractions of s. 316.2065, unless otherwise  
 1256 specified.

1257 (c) Other violations of chapter 316 by persons 14 years of  
 1258 age or under who are operating bicycles, regardless of the  
 1259 noncriminal traffic infraction's classification.

1260 (2) Thirty dollars for all nonmoving traffic violations

1261 and:

1262 (a) For all violations of s. 322.19.

1263 (b) For all violations of ss. 320.0605, 320.07(1),  
 1264 322.065, and 322.15(1). Any person who is cited for a violation  
 1265 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
 1266 320.07(4).

1267 1. If a person who is cited for a violation of s. 320.0605  
 1268 or s. 320.07 can show proof of having a valid registration at  
 1269 the time of arrest, the clerk of the court may dismiss the case  
 1270 and may assess a dismissal fee of up to \$7.50. A person who  
 1271 finds it impossible or impractical to obtain a valid  
 1272 registration certificate must submit an affidavit detailing the  
 1273 reasons for the impossibility or impracticality. The reasons may  
 1274 include, but are not limited to, the fact that the vehicle was  
 1275 sold, stolen, or destroyed; that the state in which the vehicle  
 1276 is registered does not issue a certificate of registration; or  
 1277 that the vehicle is owned by another person.

1278 2. If a person who is cited for a violation of s. 322.03,  
 1279 s. 322.065, or s. 322.15 can show a driver's license issued to  
 1280 him or her and valid at the time of arrest, the clerk of the  
 1281 court may dismiss the case and may assess a dismissal fee of up  
 1282 to \$7.50.

1283 3. If a person who is cited for a violation of s. 316.646  
 1284 can show proof of security as required by s. 627.733, issued to  
 1285 the person and valid at the time of arrest, the clerk of the  
 1286 court may dismiss the case and may assess a dismissal fee of up  
 1287 to \$7.50. A person who finds it impossible or impractical to  
 1288 obtain proof of security must submit an affidavit detailing the

1289 reasons for the impracticality. The reasons may include, but are  
 1290 not limited to, the fact that the vehicle has since been sold,  
 1291 stolen, or destroyed; that the owner or registrant of the  
 1292 vehicle is not required by s. 627.733 to maintain personal  
 1293 injury protection insurance; or that the vehicle is owned by  
 1294 another person.

1295 (c) For all violations of ss. 316.2935 and 316.610.  
 1296 However, for a violation of s. 316.2935 or s. 316.610, if the  
 1297 person committing the violation corrects the defect and obtains  
 1298 proof of such timely repair by an affidavit of compliance  
 1299 executed by the law enforcement agency within 30 days from the  
 1300 date upon which the traffic citation was issued, and pays \$4 to  
 1301 the law enforcement agency, thereby completing the affidavit of  
 1302 compliance, then upon presentation of said affidavit by the  
 1303 defendant to the clerk within the 30-day time period set forth  
 1304 under s. 318.14(4), the fine must be reduced to \$7.50, which the  
 1305 clerk of the court shall retain.

1306 (d) For all violations of s. 316.126(1)(b), unless  
 1307 otherwise specified.

1308 (3)(a) Except as otherwise provided in this section, \$60  
 1309 for all moving violations not requiring a mandatory appearance.

1310 (b) For moving violations involving unlawful speed, the  
 1311 fines are as follows:

1312

For speed exceeding the limit by:	Fine:
1313 1-5 m.p.h.....	Warning
1314 6-9 m.p.h.....	\$25
1315 10-14 m.p.h.....	\$100

1317	15-19 m.p.h.....	\$125
1318	20-29 m.p.h.....	\$150
1319	30 m.p.h. and above.....	\$250

1320           (c) Notwithstanding paragraph (b), a person cited for  
 1321 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
 1322 school zone will be fined \$50. A person exceeding the speed  
 1323 limit in a school zone shall pay a fine double the amount listed  
 1324 in paragraph (b).

1325           (d) A person cited for exceeding the speed limit in a  
 1326 posted construction zone, which posting must include  
 1327 notification of the speed limit and the doubling of fines, shall  
 1328 pay a fine double the amount listed in paragraph (b). The fine  
 1329 shall be doubled for construction zone violations only if  
 1330 construction personnel are present or operating equipment on the  
 1331 road or immediately adjacent to the road under construction.

1332           (e) A person cited for exceeding the speed limit in an  
 1333 enhanced penalty zone shall pay a fine amount of \$50 plus the  
 1334 amount listed in paragraph (b). Notwithstanding paragraph (b), a  
 1335 person cited for exceeding the speed limit by up to 5 m.p.h. in  
 1336 a legally posted enhanced penalty zone shall pay a fine amount  
 1337 of \$50.

1338           (f) If a violation of s. 316.1301 or s. 316.1303 results  
 1339 in an injury to the pedestrian or damage to the property of the  
 1340 pedestrian, an additional fine of up to \$250 shall be paid. This  
 1341 amount must be distributed pursuant to s. 318.21.

1342           (g) A person cited for exceeding the speed limit within a  
 1343 zone posted for any electronic or manual toll collection  
 1344 facility shall pay a fine double the amount listed in paragraph



1345 (b). However, no person cited for exceeding the speed limit in  
 1346 any toll collection zone shall be subject to a doubled fine  
 1347 unless the governmental entity or authority controlling the toll  
 1348 collection zone first installs a traffic control device  
 1349 providing warning that speeding fines are doubled. Any such  
 1350 traffic control device must meet the requirements of the uniform  
 1351 system of traffic control devices.

1352 (h) A person cited for a second or subsequent conviction  
 1353 of speed exceeding the limit by 30 miles per hour and above  
 1354 within a 12-month period shall pay a fine that is double the  
 1355 amount listed in paragraph (b). For purposes of this paragraph,  
 1356 the term "conviction" means a finding of guilt as a result of a  
 1357 jury verdict, nonjury trial, or entry of a plea of guilty.  
 1358 Moneys received from the increased fine imposed by this  
 1359 paragraph shall be remitted to the Department of Revenue and  
 1360 deposited into the Department of Health Administrative Trust  
 1361 Fund to provide financial support to certified trauma centers to  
 1362 assure the availability and accessibility of trauma services  
 1363 throughout the state. Funds deposited into the Administrative  
 1364 Trust Fund under this section shall be allocated as follows:

1365 1. Fifty percent shall be allocated equally among all  
 1366 Level I, Level II, and pediatric trauma centers in recognition  
 1367 of readiness costs for maintaining trauma services.

1368 2. Fifty percent shall be allocated among Level I, Level  
 1369 II, and pediatric trauma centers based on each center's relative  
 1370 volume of trauma cases as reported in the Department of Health  
 1371 Trauma Registry.

1372 (4) The penalty imposed under s. 316.545 shall be

1373 determined by the officer in accordance with the provisions of  
 1374 ss. 316.535 and 316.545.

1375 (5) (a) One hundred dollars for a violation of s.  
 1376 316.172(1)(a), failure to stop for a school bus. If, at a  
 1377 hearing, the alleged offender is found to have committed this  
 1378 offense, the court shall impose a minimum civil penalty of \$100.  
 1379 In addition to this penalty, for a second or subsequent offense  
 1380 within a period of 5 years, the department shall suspend the  
 1381 driver's license of the person for not less than 90 days and not  
 1382 more than 6 months.

1383 (b) Two hundred dollars for a violation of s.  
 1384 316.172(1)(b), passing a school bus on the side that children  
 1385 enter and exit when the school bus displays a stop signal. If,  
 1386 at a hearing, the alleged offender is found to have committed  
 1387 this offense, the court shall impose a minimum civil penalty of  
 1388 \$200. In addition to this penalty, for a second or subsequent  
 1389 offense within a period of 5 years, the department shall suspend  
 1390 the driver's license of the person for not less than 180 days  
 1391 and not more than 1 year.

1392 (6) One hundred dollars or the fine amount designated by  
 1393 county ordinance, plus court costs for illegally parking, under  
 1394 s. 316.1955, in a parking space provided for people who have  
 1395 disabilities. However, this fine will be waived if a person  
 1396 provides to the law enforcement agency that issued the citation  
 1397 for such a violation proof that the person committing the  
 1398 violation has a valid parking permit or license plate issued  
 1399 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
 1400 or s. 320.0848 or a signed affidavit that the owner of the

1401 disabled parking permit or license plate was present at the time  
 1402 the violation occurred, and that such a parking permit or  
 1403 license plate was valid at the time the violation occurred. The  
 1404 law enforcement officer, upon determining that all required  
 1405 documentation has been submitted verifying that the required  
 1406 parking permit or license plate was valid at the time of the  
 1407 violation, must sign an affidavit of compliance. Upon provision  
 1408 of the affidavit of compliance and payment of a dismissal fee of  
 1409 up to \$7.50 to the clerk of the circuit court, the clerk shall  
 1410 dismiss the citation.

1411 (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a  
 1412 violation of s. 316.1001 plus the amount of the unpaid toll  
 1413 shown on the traffic citation for each citation issued. The  
 1414 clerk of the court shall forward \$25 of the \$100 fine received,  
 1415 plus the amount of the unpaid toll that is shown on the  
 1416 citation, to the governmental entity that issued the citation,  
 1417 or on whose behalf the citation was issued. If a plea  
 1418 arrangement is reached prior to the date set for a scheduled  
 1419 evidentiary hearing and adjudication is withheld, there shall be  
 1420 a mandatory fine assessed per citation of not less than \$50 and  
 1421 not more than \$100, plus the amount of the unpaid toll for each  
 1422 citation issued. The clerk of the court shall forward \$25 of the  
 1423 fine imposed plus the amount of the unpaid toll that is shown on  
 1424 the citation to the governmental entity that issued the citation  
 1425 or on whose behalf the citation was issued. The court shall have  
 1426 specific authority to consolidate issued citations for the same  
 1427 defendant for the purpose of sentencing and aggregate  
 1428 jurisdiction. In addition, the department shall suspend for 60

1429 days the driver's license of a person who is convicted of 10  
1430 violations of s. 316.1001 within a 36-month period. ~~However, a~~  
1431 ~~person may elect to pay \$30 to the clerk of the court, in which~~  
1432 ~~ease adjudication is withheld, and no points are assessed under~~  
1433 ~~s. 322.27. Upon receipt of the fine, the clerk of the court must~~  
1434 ~~retain \$5 for administrative purposes and must forward the \$25~~  
1435 ~~to the governmental entity that issued the citation. Any funds~~  
1436 received by a governmental entity for this violation may be used  
1437 for any lawful purpose related to the operation or maintenance  
1438 of a toll facility.

1439 (8) (a) Any person who fails to comply with the court's  
1440 requirements or who fails to pay the civil penalties specified  
1441 in this section within the 30-day period provided for in s.  
1442 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
1443 which must be remitted to the Department of Revenue for deposit  
1444 in the General Revenue Fund, and \$9.50 of which must be remitted  
1445 to the Department of Revenue for deposit in the Highway Safety  
1446 Operating Trust Fund. The department shall contract with the  
1447 Florida Association of Court Clerks, Inc., to design, establish,  
1448 operate, upgrade, and maintain an automated statewide Uniform  
1449 Traffic Citation Accounting System to be operated by the clerks  
1450 of the court which shall include, but not be limited to, the  
1451 accounting for traffic infractions by type, a record of the  
1452 disposition of the citations, and an accounting system for the  
1453 fines assessed and the subsequent fine amounts paid to the  
1454 clerks of the court. On or before December 1, 2001, the clerks  
1455 of the court must provide the information required by this  
1456 chapter to be transmitted to the department by electronic

1457 transmission pursuant to the contract.

1458 (b) Any person who fails to comply with the court's  
 1459 requirements as to civil penalties specified in this section due  
 1460 to demonstrable financial hardship shall be authorized to  
 1461 satisfy such civil penalties by public works or community  
 1462 service. Each hour of such service shall be applied, at the rate  
 1463 of the minimum wage, toward payment of the person's civil  
 1464 penalties; provided, however, that if the person has a trade or  
 1465 profession for which there is a community service need and  
 1466 application, the rate for each hour of such service shall be the  
 1467 average standard wage for such trade or profession. Any person  
 1468 who fails to comply with the court's requirements as to such  
 1469 civil penalties who does not demonstrate financial hardship may  
 1470 also, at the discretion of the court, be authorized to satisfy  
 1471 such civil penalties by public works or community service in the  
 1472 same manner.

1473 (c) If the noncriminal infraction has caused or resulted  
 1474 in the death of another, the person who committed the infraction  
 1475 may perform 120 community service hours under s. 316.027(4), in  
 1476 addition to any other penalties.

1477 (9) One hundred dollars for a violation of s. 316.1575.

1478 (10) Twenty-five dollars for a violation of s. 316.2074.

1479 (11)(a) In addition to the stated fine, court costs must  
 1480 be paid in the following amounts and shall be deposited by the  
 1481 clerk into the fine and forfeiture fund established pursuant to  
 1482 s. 142.01:

1483  
 1484 For pedestrian infractions.....\$ 3.

1485 For nonmoving traffic infractions.....\$ 16.

1486 For moving traffic infractions.....\$ 30.

1487

1488 (b) In addition to the court cost required under paragraph  
 1489 (a), up to \$3 for each infraction shall be collected and  
 1490 distributed by the clerk in those counties that have been  
 1491 authorized to establish a criminal justice selection center or a  
 1492 criminal justice access and assessment center pursuant to the  
 1493 following special acts of the Legislature:

- 1494 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1495 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1496 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1497 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1498

1499 Funds collected by the clerk pursuant to this paragraph shall be  
 1500 distributed to the centers authorized by those special acts.

1501 (c) In addition to the court cost required under paragraph  
 1502 (a), a \$2.50 court cost must be paid for each infraction to be  
 1503 distributed by the clerk to the county to help pay for criminal  
 1504 justice education and training programs pursuant to s. 938.15.  
 1505 Funds from the distribution to the county not directed by the  
 1506 county to fund these centers or programs shall be retained by  
 1507 the clerk and used for funding the court-related services of the  
 1508 clerk.

1509 (d) In addition to the court cost required under paragraph  
 1510 (a), a \$3 court cost must be paid for each infraction to be  
 1511 distributed as provided in s. 938.01 and a \$2 court cost as  
 1512 provided in s. 938.15 when assessed by a municipality or county.

1513 (12) Two hundred dollars for a violation of s. 316.520(1)  
1514 or (2). If, at a hearing, the alleged offender is found to have  
1515 committed this offense, the court shall impose a minimum civil  
1516 penalty of \$200. For a second or subsequent adjudication within  
1517 a period of 5 years, the department shall suspend the driver's  
1518 license of the person for not less than 1 year and not more than  
1519 2 years.

1520 (13) In addition to any penalties imposed for noncriminal  
1521 traffic infractions pursuant to this chapter or imposed for  
1522 criminal violations listed in s. 318.17, a board of county  
1523 commissioners or any unit of local government which is  
1524 consolidated as provided by s. 9, Art. VIII of the State  
1525 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
1526 Constitution of 1968:

1527 (a) May impose by ordinance a surcharge of up to \$15 for  
1528 any infraction or violation to fund state court facilities. The  
1529 court shall not waive this surcharge. Up to 25 percent of the  
1530 revenue from such surcharge may be used to support local law  
1531 libraries provided that the county or unit of local government  
1532 provides a level of service equal to that provided prior to July  
1533 1, 2004, which shall include the continuation of library  
1534 facilities located in or near the county courthouse or annexes.

1535 (b) That imposed increased fees or service charges by  
1536 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
1537 purpose of securing payment of the principal and interest on  
1538 bonds issued by the county before July 1, 2003, to finance state  
1539 court facilities, may impose by ordinance a surcharge for any  
1540 infraction or violation for the exclusive purpose of securing

1541 payment of the principal and interest on bonds issued by the  
 1542 county before July 1, 2003, to fund state court facilities until  
 1543 the date of stated maturity. The court shall not waive this  
 1544 surcharge. Such surcharge may not exceed an amount per violation  
 1545 calculated as the quotient of the maximum annual payment of the  
 1546 principal and interest on the bonds as of July 1, 2003, divided  
 1547 by the number of traffic citations for county fiscal year 2002-  
 1548 2003 certified as paid by the clerk of the court of the county.  
 1549 Such quotient shall be rounded up to the next highest dollar  
 1550 amount. The bonds may be refunded only if savings will be  
 1551 realized on payments of debt service and the refunding bonds are  
 1552 scheduled to mature on the same date or before the bonds being  
 1553 refunded. Notwithstanding any of the foregoing provisions of  
 1554 this paragraph that limit the use of surcharge revenues, if the  
 1555 revenues generated as a result of the adoption of this ordinance  
 1556 exceed the debt service on the bonds, the surplus revenues may  
 1557 be used to pay down the debt service on the bonds; fund other  
 1558 state-court-facility construction projects as may be certified  
 1559 by the chief judge as necessary to address unexpected growth in  
 1560 caseloads, emergency requirements to accommodate public access,  
 1561 threats to the safety of the public, judges, staff, and  
 1562 litigants, or other exigent circumstances; or support local law  
 1563 libraries in or near the county courthouse or annexes.

1564  
 1565 A county may not impose both of the surcharges authorized under  
 1566 paragraphs (a) and (b) concurrently. The clerk of court shall  
 1567 report, no later than 30 days after the end of the quarter, the  
 1568 amount of funds collected under this subsection during each



1569 quarter of the fiscal year. The clerk shall submit the report,  
1570 in a format developed by the Office of State Courts  
1571 Administrator, to the chief judge of the circuit, the Governor,  
1572 the President of the Senate, and the Speaker of the House of  
1573 Representatives.

1574 (14) In addition to any penalties imposed for noncriminal  
1575 traffic infractions under this chapter or imposed for criminal  
1576 violations listed in s. 318.17, any unit of local government  
1577 that is consolidated as provided by s. 9, Art. VIII of the State  
1578 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
1579 State Constitution of 1968, and that is granted the authority in  
1580 the State Constitution to exercise all the powers of a municipal  
1581 corporation, and any unit of local government operating under a  
1582 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
1583 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
1584 Art. VIII of the State Constitution of 1968, that is granted the  
1585 authority in the State Constitution to exercise all the powers  
1586 conferred now or hereafter by general law upon municipalities,  
1587 may impose by ordinance a surcharge of up to \$15 for any  
1588 infraction or violation. Revenue from the surcharge shall be  
1589 transferred to such unit of local government for the purpose of  
1590 replacing fine revenue deposited into the clerk's fine and  
1591 forfeiture fund under s. 142.01. The court may not waive this  
1592 surcharge. Proceeds from the imposition of the surcharge  
1593 authorized in this subsection shall not be used for the purpose  
1594 of securing payment of the principal and interest on bonds. This  
1595 subsection, and any surcharge imposed pursuant to this  
1596 subsection, shall stand repealed September 30, 2007.

1597 (15) One hundred twenty-five dollars for a violation of s.  
1598 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
1599 stop at a traffic signal. Sixty dollars shall be distributed as  
1600 provided in s. 318.21, and the remaining \$65 shall be remitted  
1601 to the Department of Revenue for deposit into the Administrative  
1602 Trust Fund of the Department of Health.

1603 (16) One hundred dollars for a violation of s. 316.622(3)  
1604 or (4), for a vehicle that fails to display a sticker  
1605 authorizing it to transport migrant or seasonal farm workers or  
1606 fails to display standardized notification instructions  
1607 requiring passengers to fasten their seat belts. Two hundred  
1608 dollars for a violation of s. 316.622(1) or (2), for operating a  
1609 farm labor vehicle that fails to conform to vehicle safety  
1610 standards or lacks seat belt assemblies at each passenger  
1611 position.

1612 (17) In addition to any penalties imposed, a surcharge of  
1613 \$3 must be paid for all criminal offenses listed in s. 318.17  
1614 and for all noncriminal moving traffic violations under chapter  
1615 316. Revenue from the surcharge shall be remitted to the  
1616 Department of Revenue and deposited quarterly into the State  
1617 Agency Law Enforcement Radio System Trust Fund of the Department  
1618 of Management Services for the state agency law enforcement  
1619 radio system, as described in s. 282.1095. This subsection  
1620 expires July 1, 2012. The Department of Management Services may  
1621 retain funds sufficient to recover the costs and expenses  
1622 incurred for the purposes of managing, administering, and  
1623 overseeing the Statewide Law Enforcement Radio System. The  
1624 Department of Management Services working in conjunction with

1625 the Joint Task Force on State Agency Law Enforcement  
 1626 Communications shall determine and direct the purposes for which  
 1627 these funds are used to enhance and improve the radio system.

1628 Section 22. Subsection (17) is added to section 318.21,  
 1629 Florida Statutes, to read:

1630 318.21 Disposition of civil penalties by county courts.--  
 1631 All civil penalties received by a county court pursuant to the  
 1632 provisions of this chapter shall be distributed and paid monthly  
 1633 as follows:

1634 (17) Notwithstanding subsections (1) and (2), the proceeds  
 1635 from the surcharge imposed under s. 318.18(17) shall be  
 1636 distributed as provided in that subsection. This subsection  
 1637 expires July 1, 2012.

1638 Section 23. Section 320.061, Florida Statutes, is amended  
 1639 to read:

1640 320.061 Unlawful to alter motor vehicle registration  
 1641 certificates, license plates, mobile home stickers, or  
 1642 validation stickers or to obscure license plates; penalty.--No  
 1643 person shall alter the original appearance of any registration  
 1644 license plate, mobile home sticker, validation sticker, or  
 1645 vehicle registration certificate issued for and assigned to any  
 1646 motor vehicle or mobile home, whether by mutilation, alteration,  
 1647 defacement, or change of color or in any other manner. No person  
 1648 shall apply or attach any substance, reflective matter,  
 1649 illuminated device, spray, coating, covering, or other material  
 1650 onto or around any license plate that interferes with the  
 1651 legibility, angular visibility, or detectability of any feature  
 1652 or detail on the license plate or interferes with the ability to

1653 record any feature or detail on the license plate. Any person  
 1654 who violates ~~the provisions of this section~~ commits ~~is guilty of~~  
 1655 a misdemeanor of the second degree, punishable as provided in s.  
 1656 775.082 or s. 775.083.

1657 Section 24. Notwithstanding any provision to the contrary,  
 1658 the second paragraph contained in Specific Appropriation 2188 of  
 1659 the 2007-2008 General Appropriations Act shall not take effect  
 1660 but is repealed.

1661 Section 25. Paragraph (c) of subsection (6) and subsection  
 1662 (8) of section 332.007, Florida Statutes, are amended to read:

1663 332.007 Administration and financing of aviation and  
 1664 airport programs and projects; state plan.--

1665 (6) Subject to the availability of appropriated funds, the  
 1666 department may participate in the capital cost of eligible  
 1667 public airport and aviation development projects in accordance  
 1668 with the following rates, unless otherwise provided in the  
 1669 General Appropriations Act or the substantive bill implementing  
 1670 the General Appropriations Act:

1671 (c) When federal funds are not available, the department  
 1672 may fund up to 80 percent of master planning and eligible  
 1673 aviation development projects at publicly owned, publicly  
 1674 operated airports. If federal funds are available, the  
 1675 department may fund up to 80 percent of the nonfederal share of  
 1676 such projects. Such funding is limited to airports that have no  
 1677 scheduled commercial service.

1678 (8) Notwithstanding any other provision of law to the  
 1679 contrary, the department is authorized to fund security projects  
 1680 at ~~provide operational and maintenance assistance to publicly~~

1681 owned public-use airports. ~~Such assistance shall be to comply~~  
 1682 ~~with enhanced federal security requirements or to address~~  
 1683 ~~related economic impacts from the events of September 11, 2001.~~  
 1684 For projects in the current adopted work program, or projects  
 1685 added using the available budget of the department, airports may  
 1686 request the department change the project purpose in accordance  
 1687 with this provision notwithstanding the provisions of s.  
 1688 339.135(7). For purposes of this subsection, the department may  
 1689 fund up to 100 percent of eligible project costs that are not  
 1690 funded by the Federal Government. ~~Prior to releasing any funds~~  
 1691 ~~under this section, the department shall review and approve the~~  
 1692 ~~expenditure plans submitted by the airport. The department shall~~  
 1693 ~~inform the Legislature of any change that it approves under this~~  
 1694 ~~subsection.~~ This subsection shall expire on June 30, 2012 2007.

1695 Section 26. Subsection (4) of section 332.14, Florida  
 1696 Statutes, is amended to read:

1697 332.14 Secure Airports for Florida's Economy Council.--

1698 (4) The council shall adopt bylaws governing the manner in  
 1699 which the business of the council will be conducted. The bylaws  
 1700 shall specify the procedure by which the chair of the council is  
 1701 elected. The council shall meet at the call of its chair, at the  
 1702 request of a majority of its membership, or at such times as may  
 1703 be prescribed in its bylaws. However, the council must meet at  
 1704 least twice a year. Except for the members under paragraphs  
 1705 (2) (d), (e), and (f), all members of the council are voting  
 1706 members. A majority of voting members of the council constitutes  
 1707 a quorum for the purpose of transacting the business of the  
 1708 council. A vote of the majority of the members present is

1709 sufficient for any action of the council, except that a member  
 1710 representing the Department of Transportation, the Department of  
 1711 Community Affairs, the Department of Law Enforcement, or the  
 1712 Office of Tourism, Trade, and Economic Development may ~~vote to~~  
 1713 overrule any action of the council approving a project pursuant  
 1714 to paragraph (7)(a). The bylaws of the council may require a  
 1715 greater vote for a particular action.

1716 Section 27. Section 334.351, Florida Statutes, is amended  
 1717 to read:

1718 334.351 Youth work experience program; findings and  
 1719 intent; authority to contract; limitation.--

1720 (1) The Legislature finds and declares that young men and  
 1721 women of the state should be given an opportunity to obtain  
 1722 public service work and training experience that protects and  
 1723 conserves the valuable resources of the state and promotes  
 1724 participation in other community enhancement projects.  
 1725 Notwithstanding the requirements of chapters 287 and 337, the  
 1726 Department of Transportation is authorized to contract with  
 1727 public agencies and nonprofit organizations for the performance  
 1728 of work related to the construction and maintenance of  
 1729 transportation-related facilities by youths enrolled in youth  
 1730 work experience programs. The total amount of contracts entered  
 1731 into by the department under this section in any fiscal year may  
 1732 not exceed the amount specifically appropriated by the  
 1733 Legislature for this program.

1734 (2) Each nonprofit youth organization that provides  
 1735 services under a contract with the department must certify that  
 1736 each young person enrolled in its work experience program is a

1737 resident of this state and possesses a valid Florida driver's  
1738 license or identification card.

1739 (3) When selecting a nonprofit youth organization to  
1740 perform work on transportation-related facilities and before  
1741 awarding a contract under this section, the department must  
1742 consider the following criteria:

1743 (a) The number of participants receiving life-management  
1744 skills training;

1745 (b) The number of participants receiving high school  
1746 diplomas or GEDs;

1747 (c) The number of participants receiving scholarships;

1748 (d) The number of participants receiving bonuses;

1749 (e) The number of participants who have secured full-time  
1750 jobs; and

1751 (f) The other programs or services that support the  
1752 development of disadvantaged youths.

1753 (4) Each nonprofit youth organization under contract with  
1754 the department must:

1755 (a) Submit an annual report to the department by January 1  
1756 of each year. The report must include, but need not be limited  
1757 to, the applicable performance of the organization when measured  
1758 by the criteria in subsection (3) for the organization's most  
1759 recently completed fiscal year.

1760 (b) Submit an independent audit of the organization's  
1761 financial records to the department each year. The  
1762 organization's contract with the department must allow the  
1763 department the right to inspect the organization's financial and  
1764 program records.

1765           (c) Demonstrate participation in a peer assessment or  
 1766 review process, such as the Excellence in Corps Operations of  
 1767 the National Association of Service and Conservation Corps.

1768           Section 28. Paragraph (c) of subsection (1) of section  
 1769 336.025, Florida Statutes, is amended to read:

1770           336.025 County transportation system; levy of local option  
 1771 fuel tax on motor fuel and diesel fuel.--

1772           (1)

1773           (c) Local governments may use the services of the Division  
 1774 of Bond Finance of the State Board of Administration pursuant to  
 1775 the State Bond Act to issue any bonds through the provisions of  
 1776 this section and may pledge the revenues from local option fuel  
 1777 taxes to secure the payment of the bonds. ~~In no case may a~~  
 1778 ~~jurisdiction issue bonds pursuant to this section more~~  
 1779 ~~frequently than once per year.~~ Counties and municipalities may  
 1780 join together for the issuance of bonds issued pursuant to this  
 1781 section.

1782           Section 29. Subsection (3) of section 336.41, Florida  
 1783 Statutes, is amended to read:

1784           336.41 Counties; employing labor and providing road  
 1785 equipment; accounting; when competitive bidding required.--

1786           (3) All construction and reconstruction of roads and  
 1787 bridges, including resurfacing, full scale mineral seal coating,  
 1788 and major bridge and bridge system repairs, to be performed  
 1789 utilizing the proceeds of the 80-percent portion of the surplus  
 1790 of the constitutional gas tax shall be let to contract to the  
 1791 lowest responsible bidder by competitive bid, except for:

1792           (a) Construction and maintenance in emergency situations,



1793 and

1794 (b) In addition to emergency work, construction and  
 1795 reconstruction, including resurfacing, mineral seal coating, and  
 1796 bridge repairs, having a total cumulative annual value not to  
 1797 exceed 5 percent of its 80-percent portion of the constitutional  
 1798 gas tax or \$400,000 ~~\$250,000~~, whichever is greater, and

1799 (c) Construction of sidewalks, curbing, accessibility  
 1800 ramps, or appurtenances incidental to roads and bridges if each  
 1801 project is estimated in accordance with generally accepted cost-  
 1802 accounting principles to have total construction project costs  
 1803 of less than \$400,000 or as adjusted by the percentage change in  
 1804 the Construction Cost Index from January 1, 2008,

1805  
 1806 for which the county may utilize its own forces. However, if,  
 1807 after proper advertising, no bids are received by a county for a  
 1808 specific project, the county may use its own forces to construct  
 1809 the project, notwithstanding the limitation of this subsection.  
 1810 Nothing in this section shall prevent the county from performing  
 1811 routine maintenance as authorized by law.

1812 Section 30. Construction aggregate materials.--

1813 (1) DEFINITIONS.--"Construction aggregate materials" means  
 1814 crushed stone, limestone, dolomite, limerock, shell rock,  
 1815 cemented coquina, sand for use as a component of mortars,  
 1816 concrete, bituminous mixtures, or underdrain filters, and other  
 1817 mined resources providing the basic material for concrete,  
 1818 asphalt, and road base.

1819 (2) LEGISLATIVE INTENT.--The Legislature finds that there  
 1820 is a strategic and critical need for an available supply of

1821 construction aggregate materials within the state and that a  
 1822 disruption of the supply would cause a significant detriment to  
 1823 the state's construction industry, transportation system, and  
 1824 overall health, safety, and welfare.

1825 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government  
 1826 shall approve or deny a proposed land use zoning change,  
 1827 comprehensive plan amendment, land use permit, ordinance, or  
 1828 order regarding construction aggregate materials without  
 1829 considering any information provided by the Department of  
 1830 Transportation regarding the effect such change, amendment,  
 1831 permit decision, ordinance, or order would have on the  
 1832 availability, transportation, and potential extraction of  
 1833 construction aggregate materials on the local area, the region,  
 1834 and the state. The failure of the Department of Transportation  
 1835 to provide this information shall not be a basis for delay or  
 1836 invalidation of the local government action. No local government  
 1837 may impose a moratorium, or combination of moratoria, of more  
 1838 than 12 months' duration on the mining or extraction of  
 1839 construction aggregate materials, commencing on the date the  
 1840 vote was taken to impose the moratorium. January 1, 2007, shall  
 1841 serve as the commencement of the 12-month period for moratoria  
 1842 already in place as of July 1, 2007.

1843 (4) EXPEDITED PERMITTING.--Due to the state's critical  
 1844 infrastructure needs and the potential shortfall in available  
 1845 construction aggregate materials, limerock environmental  
 1846 resource permitting and reclamation applications filed after  
 1847 March 1, 2007, are eligible for the expedited permitting  
 1848 processes contained in s. 403.973, Florida Statutes. Challenges

1849 to state agency action in the expedited permitting process for  
 1850 establishment of a limerock mine in this state under s. 403.973,  
 1851 Florida Statutes, are subject to the same requirements as  
 1852 challenges brought under s. 403.973(15)(a), Florida Statutes,  
 1853 except that, notwithstanding s. 120.574, Florida Statutes,  
 1854 summary proceedings must be conducted within 30 days after a  
 1855 party files the motion for summary hearing, regardless of  
 1856 whether the parties agree to the summary proceeding.

1857 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1858 (a) The Strategic Aggregates Review Task Force is created  
 1859 to evaluate the availability and disposition of construction  
 1860 aggregate materials and related mining and land use practices in  
 1861 this state.

1862 (b) The task force shall be appointed by August 1, 2007,  
 1863 and shall be composed of the following 19 members:

1864 1. The President of the Senate, the Speaker of the House  
 1865 of Representatives, and the Governor shall each appoint one  
 1866 member from each of the following groups:

1867 a. The mining industry.

1868 b. The construction industry.

1869 c. The transportation industries, including seaports,  
 1870 trucking, railroads, or roadbuilders.

1871 d. Elected officials representing counties identified by  
 1872 the Department of Transportation as limestone or sand resource  
 1873 areas. Rural, midsize, and urban counties shall each have one  
 1874 elected official on the task force.

1875 e. Environmental advocacy groups.

1876 2. The Secretary of Environmental Protection or designee.

1877        3. The Secretary of Community Affairs or designee.  
 1878        4. The Secretary of Transportation or designee.  
 1879        5. One member appointed by the Florida League of Cities,  
 1880 Inc.  
 1881        (c) Members of the commission shall serve without  
 1882 compensation. Travel and per diem expenses for members who are  
 1883 not state employees shall be paid by the Department of  
 1884 Transportation in accordance with s. 112.061, Florida Statutes.  
 1885        (d) The Department of Transportation shall organize and  
 1886 provide administrative support for the task force and coordinate  
 1887 with other state agencies and local governments in obtaining and  
 1888 providing such data and information as may be needed by the task  
 1889 force to complete its evaluation. The department may conduct any  
 1890 supporting studies as are required to obtain needed information  
 1891 or otherwise assist the task force in its review and  
 1892 deliberations.  
 1893        (e) The Department of Transportation shall collect and  
 1894 provide information to the task force relating to construction  
 1895 aggregate materials and the amount of such materials used by the  
 1896 department on state road infrastructure projects and shall  
 1897 provide any technical and supporting information relating to the  
 1898 use of such materials as is available to the department.  
 1899        (f) The task force shall report its findings to the  
 1900 Governor, the President of the Senate, and the Speaker of the  
 1901 House of Representatives by February 1, 2008. The report must  
 1902 identify locations with significant concentrations of  
 1903 construction aggregate materials and recommend actions intended  
 1904 to ensure the continued extraction and availability of

1905 construction aggregate materials.

1906 (g) The task force shall be dissolved on July 1, 2008.

1907 Section 31. Section 337.026, Florida Statutes, is created  
1908 to read:

1909 337.026 Authority of department to enter into agreements  
1910 for construction aggregate materials.--

1911 (1) The department may pursue procurement techniques that  
1912 will provide the department with reliable and economic supplies  
1913 of construction aggregate materials and control time and cost  
1914 increases on construction projects.

1915 (2) The department may enter into agreements with private  
1916 or public entities. Such agreements may include, but are not  
1917 limited to, department acquisition of materials or resources or  
1918 long-term leases for a term not to exceed 99 years that will  
1919 advance the state's transportation needs.

1920 (3) To the maximum extent practical, the department must  
1921 use the existing process to award and administer such  
1922 procurement techniques. When techniques authorized by this  
1923 section are to be used, the department is not required to adhere  
1924 to provisions of law that would prevent, preclude, or prohibit  
1925 it from using this procurement technique. However, prior to  
1926 using this procurement technique, the department must document  
1927 in writing the need for the exception and identify the benefits  
1928 the traveling public and the affected community are anticipated  
1929 to receive.

1930 Section 32. Paragraph (a) of subsection (3) of section  
1931 337.11, Florida Statutes, is amended to read:

1932 337.11 Contracting authority of department; bids;

1933 emergency repairs, supplemental agreements, and change orders;  
 1934 combined design and construction contracts; progress payments;  
 1935 records; requirements of vehicle registration.--

1936 (3) (a) On all construction contracts of \$250,000 or less,  
 1937 and any construction contract of less than \$500,000 for which  
 1938 the department has waived prequalification under s. 337.14, the  
 1939 department shall advertise for bids in a newspaper having  
 1940 general circulation in the county where the proposed work is  
 1941 located. Publication shall be at least once a week for no less  
 1942 than 2 consecutive weeks, and the first publication shall be no  
 1943 less than 14 days prior to the date on which bids are to be  
 1944 received.

1945 Section 33. Subsection (1) of section 337.14, Florida  
 1946 Statutes, is amended to read:

1947 337.14 Application for qualification; certificate of  
 1948 qualification; restrictions; request for hearing.--

1949 (1) Any person desiring to bid for the performance of any  
 1950 construction contract in excess of \$250,000 which the department  
 1951 proposes to let must first be certified by the department as  
 1952 qualified pursuant to this section and rules of the department.  
 1953 The rules of the department shall address the qualification of  
 1954 persons to bid on construction contracts in excess of \$250,000  
 1955 and shall include requirements with respect to the equipment,  
 1956 past record, experience, financial resources, and organizational  
 1957 personnel of the applicant necessary to perform the specific  
 1958 class of work for which the person seeks certification. The  
 1959 department is authorized to limit the dollar amount of any  
 1960 contract upon which a person is qualified to bid or the

1961 aggregate total dollar volume of contracts such person is  
1962 allowed to have under contract at any one time. Each applicant  
1963 seeking qualification to bid on construction contracts in excess  
1964 of \$250,000 shall furnish the department a statement under oath,  
1965 on such forms as the department may prescribe, setting forth  
1966 detailed information as required on the application. Each  
1967 application for certification shall be accompanied by the latest  
1968 annual financial statement of the applicant completed within the  
1969 last 12 months. If the annual financial statement shows the  
1970 financial condition of the applicant more than 4 months prior to  
1971 the date on which the application is received by the department,  
1972 then an interim financial statement must also be submitted. The  
1973 interim financial statement must cover the period from the end  
1974 date of the annual statement and must show the financial  
1975 condition of the applicant no more than 4 months prior to the  
1976 date on which the application is received by the department.  
1977 Each required annual or interim financial statement must be  
1978 audited and accompanied by the opinion of a certified public  
1979 accountant or a public accountant approved by the department.  
1980 The information required by this subsection is confidential and  
1981 exempt from the provisions of s. 119.07(1). The department  
1982 shall act upon the application for qualification within 30 days  
1983 after the department determines that the application is  
1984 complete. The department may waive the requirements of this  
1985 subsection for projects having a contract price of \$500,000 or  
1986 less if the department determines that the project is of a  
1987 noncritical nature and the waiver will not endanger public  
1988 health, safety, or property.

1989 Section 34. Paragraph (a) of subsection (1) of section  
 1990 337.18, Florida Statutes, is amended to read:

1991 337.18 Surety bonds for construction or maintenance  
 1992 contracts; requirement with respect to contract award; bond  
 1993 requirements; defaults; damage assessments.--

1994 (1) (a) A surety bond shall be required of the successful  
 1995 bidder in an amount equal to the awarded contract price.  
 1996 However, the department may choose, in its discretion and  
 1997 applicable only to multiyear maintenance contracts, to allow for  
 1998 incremental annual contract bonds that cumulatively total the  
 1999 full, awarded, multiyear contract price. For a project for which  
 2000 the contract price is \$250,000 ~~\$150,000~~ or less, the department  
 2001 may waive the requirement for all or a portion of a surety bond  
 2002 if it determines the project is of a noncritical nature and  
 2003 nonperformance will not endanger public health, safety, or  
 2004 property. If the secretary or his designee determines that it is  
 2005 in the best interests of the department to reduce the bonding  
 2006 requirement for a project and that to do so will not endanger  
 2007 public health, safety, or property, the department may waive the  
 2008 requirement of a surety bond in an amount equal to the awarded  
 2009 contract price for a project having a contract price of \$250  
 2010 million or more and, in its place, may set a surety bond amount  
 2011 that is a portion of the total contract price and provide an  
 2012 alternate means of security for the balance of the contract  
 2013 amount that is not covered by the surety bond or provide for  
 2014 incremental surety bonding and provide an alternate means of  
 2015 security for the balance of the contract amount that is not  
 2016 covered by the surety bond. Such alternative means of security



2017 may include letters of credit, United States bonds and notes,  
 2018 parent company guarantees, and cash collateral. The department  
 2019 may require alternate means of security if a surety bond is  
 2020 waived. The surety on such bond shall be a surety company  
 2021 authorized to do business in the state. All bonds shall be  
 2022 payable to the department and conditioned for the prompt,  
 2023 faithful, and efficient performance of the contract according to  
 2024 plans and specifications and within the time period specified,  
 2025 and for the prompt payment of all persons defined in s. 713.01  
 2026 furnishing labor, material, equipment, and supplies for work  
 2027 provided in the contract; however, whenever an improvement,  
 2028 demolition, or removal contract price is \$25,000 or less, the  
 2029 security may, in the discretion of the bidder, be in the form of  
 2030 a cashier's check, bank money order of any state or national  
 2031 bank, certified check, or postal money order. The department  
 2032 shall adopt rules to implement this subsection. Such rules shall  
 2033 include provisions under which the department shall refuse to  
 2034 accept bonds on contracts when a surety wrongfully fails or  
 2035 refuses to settle or provide a defense for claims or actions  
 2036 arising under a contract for which the surety previously  
 2037 furnished a bond.

2038 Section 35. Section 338.161, Florida Statutes, is amended  
 2039 to read:

2040 338.161 Authority of department or toll agencies to  
 2041 advertise and promote electronic toll collection; expanded uses  
 2042 of electronic toll collection system; studies authorized.--

2043 (1) The department is authorized to incur expenses for  
 2044 paid advertising, marketing, and promotion of toll facilities

2045 and electronic toll collection products and services. Promotions  
 2046 may include discounts and free products.

2047 (2) The department is authorized to receive funds from  
 2048 advertising placed on electronic toll collection products and  
 2049 promotional materials to defray the costs of products and  
 2050 services.

2051 (3) (a) The department or any toll agency created by  
 2052 statute may incur expenses to advertise or promote its  
 2053 electronic toll collection system to consumers on or off the  
 2054 turnpike or toll system.

2055 (b) If the department or any toll agency created by  
 2056 statute finds that it can increase nontoll revenues or add  
 2057 convenience or other value for its customers, the department or  
 2058 toll agency may enter into agreements with any private or public  
 2059 entity allowing the use of its electronic toll collection system  
 2060 to pay parking fees for vehicles equipped with a transponder or  
 2061 similar device. The department or toll agency may initiate  
 2062 feasibility studies of additional future uses of its electronic  
 2063 toll collection system and make recommendations to the  
 2064 Legislature to authorize such uses.

2065 Section 36. Subsections (1), (3), and (4) of section  
 2066 338.2275, Florida Statutes, are amended to read:

2067 338.2275 Approved turnpike projects.--

2068 (1) Legislative approval of the department's tentative  
 2069 work program that contains the turnpike project constitutes  
 2070 approval to issue bonds as required by s. 11(f), Art. VII of the  
 2071 State Constitution. No more than \$10 billion of bonds may be  
 2072 outstanding to fund approved turnpike projects. Turnpike

2073 ~~projects approved to be included in future tentative work~~  
2074 ~~programs include, but are not limited to, projects contained in~~  
2075 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~  
2076 ~~of bonds may be issued to fund approved turnpike projects.~~

2077 ~~(3) Subject to verification of economic feasibility by the~~  
2078 ~~department in accordance with s. 338.221(8), the department~~  
2079 ~~shall acquire the assets and assume the liabilities of the~~  
2080 ~~Sawgrass Expressway as a candidate project from the Broward~~  
2081 ~~County Expressway Authority. The agreement to acquire the~~  
2082 ~~Sawgrass Expressway shall be subject to the terms and covenants~~  
2083 ~~of the Broward County Expressway Authority Bond Series 1984 and~~  
2084 ~~1986A lease purchase agreements and shall not act to the~~  
2085 ~~detriment of the bondholders nor decrease the quality of the~~  
2086 ~~bonds. The department shall provide for the cost of operations~~  
2087 ~~and maintenance expenses and for the replacement of future~~  
2088 ~~Broward County gasoline tax funds pledged for the payment of~~  
2089 ~~principal and interest on such bonds. The department shall~~  
2090 ~~repay, to the extent possible, Broward County gasoline tax funds~~  
2091 ~~used since July 6, 1988, for debt service on such bonds. For the~~  
2092 ~~purpose of calculating the economic feasibility of this project,~~  
2093 ~~the department is authorized to exclude operations and~~  
2094 ~~maintenance expenses accumulated between July 6, 1988, and the~~  
2095 ~~date of the agreement. Upon performance of all terms of the~~  
2096 ~~agreement between the parties, the Sawgrass Expressway will~~  
2097 ~~become a part of the turnpike system.~~

2098 ~~(3)~~(4) Bonds may not be issued to fund a turnpike project  
2099 until the department has made a final determination that the  
2100 project is economically feasible in accordance with s. 338.221,

2101 based on the most current information available.

2102 Section 37. Subsections (3), (4), and (6) of section  
2103 338.231, Florida Statutes, are amended to read:

2104 338.231 Turnpike tolls, fixing; pledge of tolls and other  
2105 revenues.--The department shall at all times fix, adjust,  
2106 charge, and collect such tolls for the use of the turnpike  
2107 system as are required in order to provide a fund sufficient  
2108 with other revenues of the turnpike system to pay the cost of  
2109 maintaining, improving, repairing, and operating such turnpike  
2110 system; to pay the principal of and interest on all bonds issued  
2111 to finance or refinance any portion of the turnpike system as  
2112 the same become due and payable; and to create reserves for all  
2113 such purposes.

2114 (3) The department shall publish a proposed change in the  
2115 toll rate for the use of an existing toll facility, in the  
2116 manner provided for in s. 120.54, which will provide for public  
2117 notice and the opportunity for a public hearing before the  
2118 adoption of the proposed rate change. When the department is  
2119 evaluating a proposed turnpike toll project under s. 338.223 and  
2120 has determined that there is a high probability that the project  
2121 will pass the test of economic feasibility predicated on  
2122 proposed toll rates, the toll rate that is proposed to be  
2123 charged after the project is constructed must be adopted during  
2124 the planning and project development phase of the project, in  
2125 the manner provided for in s. 120.54, including public notice  
2126 and the opportunity for a public hearing. For such a new  
2127 project, the toll rate becomes effective upon the opening of the  
2128 project to traffic.

2129           (4) For the period July 1, 1998, through June 30, 2017  
 2130 ~~2007~~, the department shall, to the maximum extent feasible,  
 2131 program sufficient funds in the tentative work program such that  
 2132 the percentage of turnpike toll and bond financed commitments in  
 2133 Dade County, Broward County, and Palm Beach County as compared  
 2134 to total turnpike toll and bond financed commitments shall be at  
 2135 least 90 percent of the share of net toll collections  
 2136 attributable to users of the turnpike system in Dade County,  
 2137 Broward County, and Palm Beach County as compared to total net  
 2138 toll collections attributable to users of the turnpike system.  
 2139 The requirements of this subsection do not apply when the  
 2140 application of such requirements would violate any covenant  
 2141 established in a resolution or trust indenture relating to the  
 2142 issuance of turnpike bonds.

2143           (6) In each fiscal year while any of the bonds of the  
 2144 Broward County Expressway Authority series 1984 and series 1986-  
 2145 A remain outstanding, the department is authorized to pledge  
 2146 revenues from the turnpike system to the payment of principal  
 2147 and interest of such series of bonds, ~~the repayment of Broward~~  
 2148 ~~County gasoline tax funds as provided in s. 338.2275(3)~~, and the  
 2149 operation and maintenance expenses of the Sawgrass Expressway,  
 2150 to the extent gross toll revenues of the Sawgrass Expressway are  
 2151 insufficient to make such payments. The terms of an agreement  
 2152 relative to the pledge of turnpike system revenue will be  
 2153 negotiated with the parties of the 1984 and 1986 Broward County  
 2154 Expressway Authority lease-purchase agreements, and subject to  
 2155 the covenants of those agreements. The agreement shall establish  
 2156 that the Sawgrass Expressway shall be subject to the planning,

2157 management, and operating control of the department limited only  
 2158 by the terms of the lease-purchase agreements. The department  
 2159 shall provide for the payment of operation and maintenance  
 2160 expenses of the Sawgrass Expressway until such agreement is in  
 2161 effect. This pledge of turnpike system revenues shall be  
 2162 subordinate to the debt service requirements of any future issue  
 2163 of turnpike bonds, the payment of turnpike system operation and  
 2164 maintenance expenses, and subject to provisions of any  
 2165 subsequent resolution or trust indenture relating to the  
 2166 issuance of such turnpike bonds.

2167 Section 38. Paragraph (j) of subsection (1) of section  
 2168 339.08, Florida Statutes, is amended to read:

2169 339.08 Use of moneys in State Transportation Trust Fund.--

2170 (1) The department shall expend moneys in the State  
 2171 Transportation Trust Fund accruing to the department, in  
 2172 accordance with its annual budget. The use of such moneys shall  
 2173 be restricted to the following purposes:

2174 (j) To pay the cost of county or municipal road projects  
 2175 selected in accordance with the County Incentive Grant Program  
 2176 created in s. 339.2817, ~~and~~ the Small County Outreach Program  
 2177 created in s. 339.2818, and the Enhanced Bridge Program for  
 2178 Sustainable Transportation created in s. 339.285.

2179 Section 39. Subsection (1) of section 339.09, Florida  
 2180 Statutes, is amended to read:

2181 339.09 Use of transportation tax revenues; restrictions.--

2182 (1) Funds available to the department shall not be used  
 2183 for any nontransportation purpose. However, the department shall  
 2184 construct and maintain roads, parking areas, and other

2185 transportation facilities adjacent to and within the grounds of  
2186 state institutions, public community colleges, farmers' markets,  
2187 and wayside parks upon request of the proper authorities. The  
2188 department is encouraged and permitted to use funds to construct  
2189 and maintain noise mitigation facilities or walls upon request  
2190 of the proper authorities.

2191 Section 40. Section 339.175, Florida Statutes, is amended  
2192 to read:

2193 339.175 Metropolitan planning organization.--

2194 (1) PURPOSE.--It is the intent of the Legislature to  
2195 encourage and promote the safe and efficient management,  
2196 operation, and development of surface transportation systems  
2197 that will serve the mobility needs of people and freight and  
2198 foster economic growth and development within and through  
2199 urbanized areas of this state while minimizing transportation-  
2200 related fuel consumption and air pollution through metropolitan  
2201 transportation planning processes identified in this section. To  
2202 accomplish these objectives, metropolitan planning  
2203 organizations, referred to in this section as M.P.O.'s, shall  
2204 develop, in cooperation with the state and public transit  
2205 operators, transportation plans and programs for metropolitan  
2206 areas. The plans and programs for each metropolitan area must  
2207 provide for the development and integrated management and  
2208 operation of transportation systems and facilities, including  
2209 pedestrian walkways and bicycle transportation facilities that  
2210 will function as an intermodal transportation system for the  
2211 metropolitan area, based upon the prevailing principles provided  
2212 in s. 334.046(1). The process for developing such plans and

2213 | programs shall provide for consideration of all modes of  
 2214 | transportation and shall be continuing, cooperative, and  
 2215 | comprehensive, to the degree appropriate, based on the  
 2216 | complexity of the transportation problems to be addressed. To  
 2217 | ensure that the process is integrated with the statewide  
 2218 | planning process, M.P.O.'s shall develop plans and programs that  
 2219 | identify transportation facilities that should function as an  
 2220 | integrated metropolitan transportation system, giving emphasis  
 2221 | to facilities that serve important national, state, and regional  
 2222 | transportation functions. For the purposes of this section,  
 2223 | those facilities include the facilities on the Strategic  
 2224 | Intermodal System designated under s. 339.63 and facilities for  
 2225 | which projects have been identified pursuant to s. 339.2819(4).

2226 | (2)~~(1)~~ DESIGNATION.--

2227 | (a)1. An M.P.O. shall be designated for each urbanized  
 2228 | area of the state; however, this does not require that an  
 2229 | individual M.P.O. be designated for each such area. Such  
 2230 | designation shall be accomplished by agreement between the  
 2231 | Governor and units of general-purpose local government  
 2232 | representing at least 75 percent of the population of the  
 2233 | urbanized area; however, the unit of general-purpose local  
 2234 | government that represents the central city or cities within the  
 2235 | M.P.O. jurisdiction, as defined by the United States Bureau of  
 2236 | the Census, must be a party to such agreement.

2237 | 2. More than one M.P.O. may be designated within an  
 2238 | existing metropolitan planning area only if the Governor and the  
 2239 | existing M.P.O. determine that the size and complexity of the  
 2240 | existing metropolitan planning area makes the designation of



2241 more than one M.P.O. for the area appropriate.

2242 (b) Each M.P.O. designated in a manner prescribed by Title  
 2243 23 U.S.C. shall be created and operated under the provisions of  
 2244 this section pursuant to an interlocal agreement entered into  
 2245 pursuant to s. 163.01. The signatories to the interlocal  
 2246 agreement shall be the department and the governmental entities  
 2247 designated by the Governor for membership on the M.P.O. Each  
 2248 M.P.O. shall be considered separate from the state or the  
 2249 governing body of a local government that is represented on the  
 2250 governing board of the M.P.O. or that is a signatory to the  
 2251 interlocal agreement creating the M.P.O. and shall have such  
 2252 powers and privileges that are provided under s. 163.01. If  
 2253 there is a conflict between this section and s. 163.01, this  
 2254 section prevails.

2255 (c) The jurisdictional boundaries of an M.P.O. shall be  
 2256 determined by agreement between the Governor and the applicable  
 2257 M.P.O. The boundaries must include at least the metropolitan  
 2258 planning area, which is the existing urbanized area and the  
 2259 contiguous area expected to become urbanized within a 20-year  
 2260 forecast period, and may encompass the entire metropolitan  
 2261 statistical area or the consolidated metropolitan statistical  
 2262 area.

2263 (d) In the case of an urbanized area designated as a  
 2264 nonattainment area for ozone or carbon monoxide under the Clean  
 2265 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
 2266 metropolitan planning area in existence as of the date of  
 2267 enactment of this paragraph shall be retained, except that the  
 2268 boundaries may be adjusted by agreement of the Governor and

2269 affected metropolitan planning organizations in the manner  
 2270 described in this section. If more than one M.P.O. has authority  
 2271 within a metropolitan area or an area that is designated as a  
 2272 nonattainment area, each M.P.O. shall consult with other  
 2273 M.P.O.'s designated for such area and with the state in the  
 2274 coordination of plans and programs required by this section.

2275 (e) The governing body of the M.P.O. shall designate, at a  
 2276 minimum, a chair, vice chair, and agency clerk. The chair and  
 2277 vice chair shall be selected from among the member delegates  
 2278 comprising the governing board. The agency clerk shall be  
 2279 charged with the responsibility of preparing meeting minutes and  
 2280 maintaining agency records. The clerk shall be a member of the  
 2281 M.P.O. governing board, an employee of the M.P.O., or other  
 2282 natural person.

2283  
 2284 Each M.P.O. required under this section must be fully operative  
 2285 no later than 6 months following its designation.

2286 (3)-(2) VOTING MEMBERSHIP.--

2287 (a) The voting membership of an M.P.O. shall consist of  
 2288 not fewer than 5 or more than 19 apportioned members, the exact  
 2289 number to be determined on an equitable geographic-population  
 2290 ratio basis by the Governor, based on an agreement among the  
 2291 affected units of general-purpose local government as required  
 2292 by federal rules and regulations. The Governor, in accordance  
 2293 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
 2294 represent municipalities to alternate with representatives from  
 2295 other municipalities within the metropolitan planning area that  
 2296 do not have members on the M.P.O. County commission members

2297 shall compose not less than one-third of the M.P.O. membership,  
 2298 except for an M.P.O. with more than 15 members located in a  
 2299 county with a 5-member ~~five-member~~ county commission or an  
 2300 M.P.O. with 19 members located in a county with no more than 6  
 2301 county commissioners, in which case county commission members  
 2302 may compose less than one-third percent of the M.P.O.  
 2303 membership, but all county commissioners must be members. All  
 2304 voting members shall be elected officials of general-purpose  
 2305 local governments, except that an M.P.O. may include, as part of  
 2306 its apportioned voting members, a member of a statutorily  
 2307 authorized planning board, an official of an agency that  
 2308 operates or administers a major mode of transportation, or an  
 2309 official of the Florida Space Authority. As used in this  
 2310 section, the term "elected officials of a general-purpose local  
 2311 government" shall exclude constitutional officers, including  
 2312 sheriffs, tax collectors, supervisors of elections, property  
 2313 appraisers, clerks of the court, and similar types of officials.  
 2314 County commissioners ~~The county commission~~ shall compose not  
 2315 less than 20 percent of the M.P.O. membership if an official of  
 2316 an agency that operates or administers a major mode of  
 2317 transportation has been appointed to an M.P.O.

2318 (b) In metropolitan areas in which authorities or other  
 2319 agencies have been or may be created by law to perform  
 2320 transportation functions and are performing transportation  
 2321 functions that are not under the jurisdiction of a general-  
 2322 purpose ~~general-purpose~~ local government represented on the  
 2323 M.P.O., they shall be provided voting membership on the M.P.O.  
 2324 In all other M.P.O.'s where transportation authorities or

2325 agencies are to be represented by elected officials from  
 2326 general-purpose ~~general-purpose~~ local governments, the M.P.O.  
 2327 shall establish a process by which the collective interests of  
 2328 such authorities or other agencies are expressed and conveyed.

2329 (c) Any other provision of this section to the contrary  
 2330 notwithstanding, a chartered county with over 1 million  
 2331 population may elect to reapportion the membership of an M.P.O.  
 2332 whose jurisdiction is wholly within the county. The charter  
 2333 county may exercise the provisions of this paragraph if:

2334 1. The M.P.O. approves the reapportionment plan by a  
 2335 three-fourths vote of its membership;

2336 2. The M.P.O. and the charter county determine that the  
 2337 reapportionment plan is needed to fulfill specific goals and  
 2338 policies applicable to that metropolitan planning area; and

2339 3. The charter county determines the reapportionment plan  
 2340 otherwise complies with all federal requirements pertaining to  
 2341 M.P.O. membership.

2342  
 2343 Any charter county that elects to exercise the provisions of  
 2344 this paragraph shall notify the Governor in writing.

2345 (d) Any other provision of this section to the contrary  
 2346 notwithstanding, any county chartered under s. 6(e), Art. VIII  
 2347 of the State Constitution may elect to have its county  
 2348 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
 2349 wholly contained within the county. Any charter county that  
 2350 elects to exercise the provisions of this paragraph shall so  
 2351 notify the Governor in writing. Upon receipt of such  
 2352 notification, the Governor must designate the county commission

2353 as the M.P.O. The Governor must appoint four additional voting  
 2354 members to the M.P.O., one of whom must be an elected official  
 2355 representing a municipality within the county, one of whom must  
 2356 be an expressway authority member, one of whom must be a person  
 2357 who does not hold elected public office and who resides in the  
 2358 unincorporated portion of the county, and one of whom must be a  
 2359 school board member.

2360 (4)~~(3)~~ APPORTIONMENT.--

2361 (a) The Governor shall, with the agreement of the affected  
 2362 units of general-purpose local government as required by federal  
 2363 rules and regulations, apportion the membership on the  
 2364 applicable M.P.O. among the various governmental entities within  
 2365 the area. At the request of a majority of the affected units of  
 2366 general-purpose local government comprising an M.P.O., the  
 2367 Governor and a majority of units of general-purpose local  
 2368 government serving on an M.P.O. shall cooperatively agree upon  
 2369 and prescribe who may serve as an alternate member and shall  
 2370 ~~prescribe~~ a method for appointing alternate members who may vote  
 2371 at any M.P.O. meeting that an alternate member attends in place  
 2372 of a regular member. The method shall be set forth as a part of  
 2373 the interlocal agreement describing the M.P.O.'s membership or  
 2374 in the M.P.O.'s operating procedures and bylaws. An appointed  
 2375 ~~alternate member must be an elected official serving the same~~  
 2376 ~~governmental entity or a general purpose local government with~~  
 2377 ~~jurisdiction within all or part of the area that the regular~~  
 2378 ~~member serves.~~ The governmental entity so designated shall  
 2379 appoint the appropriate number of members to the M.P.O. from  
 2380 eligible officials. Representatives of the department shall

2381 serve as nonvoting members of the M.P.O. governing board.  
2382 Nonvoting advisers may be appointed by the M.P.O. as deemed  
2383 necessary; however, to the maximum extent feasible, each M.P.O.  
2384 shall seek to appoint nonvoting representatives of various  
2385 multimodal forms of transportation not otherwise represented by  
2386 voting members of the M.P.O. An M.P.O. shall appoint nonvoting  
2387 advisers representing major military installations located  
2388 within the jurisdictional boundaries of the M.P.O. upon the  
2389 request of the aforesaid major military installations and  
2390 subject to the agreement of the M.P.O. All nonvoting advisers  
2391 may attend and participate fully in governing board meetings but  
2392 shall not have a vote and shall not be members of the governing  
2393 board. The Governor shall review the composition of the M.P.O.  
2394 membership in conjunction with the decennial census as prepared  
2395 by the United States Department of Commerce, Bureau of the  
2396 Census, and reapportion it as necessary to comply with  
2397 subsection (3) ~~(2)~~.

2398 (b) Except for members who represent municipalities on the  
2399 basis of alternating with representatives from other  
2400 municipalities that do not have members on the M.P.O. as  
2401 provided in paragraph (3) (a) ~~(2)(a)~~, the members of an M.P.O.  
2402 shall serve 4-year terms. Members who represent municipalities  
2403 on the basis of alternating with representatives from other  
2404 municipalities that do not have members on the M.P.O. as  
2405 provided in paragraph (3) (a) ~~(2)(a)~~ may serve terms of up to 4  
2406 years as further provided in the interlocal agreement described  
2407 in paragraph (2) (b) ~~(1)(b)~~. The membership of a member who is a  
2408 public official automatically terminates upon the member's

2409 leaving his or her elective or appointive office for any reason,  
 2410 or may be terminated by a majority vote of the total membership  
 2411 of the entity's governing board ~~a county or city governing~~  
 2412 ~~entity~~ represented by the member. A vacancy shall be filled by  
 2413 the original appointing entity. A member may be reappointed for  
 2414 one or more additional 4-year terms.

2415 (c) If a governmental entity fails to fill an assigned  
 2416 appointment to an M.P.O. within 60 days after notification by  
 2417 the Governor of its duty to appoint, that appointment shall be  
 2418 made by the Governor from the eligible representatives of that  
 2419 governmental entity.

2420 (5) ~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and  
 2421 responsibility of an M.P.O. is to manage a continuing,  
 2422 cooperative, and comprehensive transportation planning process  
 2423 that, based upon the prevailing principles provided in s.  
 2424 334.046(1), results in the development of plans and programs  
 2425 which are consistent, to the maximum extent feasible, with the  
 2426 approved local government comprehensive plans of the units of  
 2427 local government the boundaries of which are within the  
 2428 metropolitan area of the M.P.O. An M.P.O. shall be the forum for  
 2429 cooperative decisionmaking by officials of the affected  
 2430 governmental entities in the development of the plans and  
 2431 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and  
 2432 (9).

2433 (6) ~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
 2434 privileges, and authority of an M.P.O. are those specified in  
 2435 this section or incorporated in an interlocal agreement  
 2436 authorized under s. 163.01. Each M.P.O. shall perform all acts

2437 required by federal or state laws or rules, now and subsequently  
 2438 applicable, which are necessary to qualify for federal aid. It  
 2439 is the intent of this section that each M.P.O. shall be involved  
 2440 in the planning and programming of transportation facilities,  
 2441 including, but not limited to, airports, intercity and high-  
 2442 speed rail lines, seaports, and intermodal facilities, to the  
 2443 extent permitted by state or federal law.

2444 (a) Each M.P.O. shall, in cooperation with the department,  
 2445 develop:

2446 1. A long-range transportation plan pursuant to the  
 2447 requirements of subsection (7) ~~(6)~~;

2448 2. An annually updated transportation improvement program  
 2449 pursuant to the requirements of subsection (8) ~~(7)~~; and

2450 3. An annual unified planning work program pursuant to the  
 2451 requirements of subsection (9) ~~(8)~~.

2452 (b) In developing the long-range transportation plan and  
 2453 the transportation improvement program required under paragraph  
 2454 (a), each M.P.O. shall provide for consideration of projects and  
 2455 strategies that will:

2456 1. Support the economic vitality of the metropolitan area,  
 2457 especially by enabling global competitiveness, productivity, and  
 2458 efficiency;

2459 2. Increase the safety and security of the transportation  
 2460 system for motorized and nonmotorized users;

2461 3. Increase the accessibility and mobility options  
 2462 available to people and for freight;

2463 4. Protect and enhance the environment, promote energy  
 2464 conservation, and improve quality of life;



2465           5. Enhance the integration and connectivity of the  
 2466 transportation system, across and between modes, for people and  
 2467 freight;

2468           6. Promote efficient system management and operation; and

2469           7. Emphasize the preservation of the existing  
 2470 transportation system.

2471           (c) In order to provide recommendations to the department  
 2472 and local governmental entities regarding transportation plans  
 2473 and programs, each M.P.O. shall:

2474           1. Prepare a congestion management system for the  
 2475 metropolitan area and cooperate with the department in the  
 2476 development of all other transportation management systems  
 2477 required by state or federal law;

2478           2. Assist the department in mapping transportation  
 2479 planning boundaries required by state or federal law;

2480           3. Assist the department in performing its duties relating  
 2481 to access management, functional classification of roads, and  
 2482 data collection;

2483           4. Execute all agreements or certifications necessary to  
 2484 comply with applicable state or federal law;

2485           5. Represent all the jurisdictional areas within the  
 2486 metropolitan area in the formulation of transportation plans and  
 2487 programs required by this section; and

2488           6. Perform all other duties required by state or federal  
 2489 law.

2490           (d) Each M.P.O. shall appoint a technical advisory  
 2491 committee, the members of which shall serve at the pleasure of  
 2492 the M.P.O. The membership of the technical advisory committee

2493 must include, whenever possible, ~~that includes~~ planners;  
 2494 engineers; representatives of local aviation authorities, port  
 2495 authorities, and public transit authorities or representatives  
 2496 of aviation departments, seaport departments, and public transit  
 2497 departments of municipal or county governments, as applicable;  
 2498 the school superintendent of each county within the jurisdiction  
 2499 of the M.P.O. or the superintendent's designee; and other  
 2500 appropriate representatives of affected local governments. In  
 2501 addition to any other duties assigned to it by the M.P.O. or by  
 2502 state or federal law, the technical advisory committee is  
 2503 responsible for considering safe access to schools in its review  
 2504 of transportation project priorities, long-range transportation  
 2505 plans, and transportation improvement programs, and shall advise  
 2506 the M.P.O. on such matters. In addition, the technical advisory  
 2507 committee shall coordinate its actions with local school boards  
 2508 and other local programs and organizations within the  
 2509 metropolitan area which participate in school safety activities,  
 2510 such as locally established community traffic safety teams.  
 2511 Local school boards must provide the appropriate M.P.O. with  
 2512 information concerning future school sites and in the  
 2513 coordination of transportation service.

2514 (e)1. Each M.P.O. shall appoint a citizens' advisory  
 2515 committee, the members of which serve at the pleasure of the  
 2516 M.P.O. The membership on the citizens' advisory committee must  
 2517 reflect a broad cross section of local residents with an  
 2518 interest in the development of an efficient, safe, and cost-  
 2519 effective transportation system. Minorities, the elderly, and  
 2520 the handicapped must be adequately represented.

2521           2. Notwithstanding the provisions of subparagraph 1., an  
 2522 M.P.O. may, with the approval of the department and the  
 2523 applicable federal governmental agency, adopt an alternative  
 2524 program or mechanism to ensure citizen involvement in the  
 2525 transportation planning process.

2526           (f) The department shall allocate to each M.P.O., for the  
 2527 purpose of accomplishing its transportation planning and  
 2528 programming duties, an appropriate amount of federal  
 2529 transportation planning funds.

2530           (g) Each M.P.O. shall have an executive or staff director  
 2531 who reports directly to the M.P.O. governing board for all  
 2532 matters regarding the administration and operation of the M.P.O.  
 2533 and any additional personnel as deemed necessary. The executive  
 2534 director and any additional personnel may be employed either by  
 2535 an M.P.O. or by another governmental entity, such as a county,  
 2536 city, or regional planning council, that has a staff services  
 2537 agreement signed and in effect with the M.P.O. Each M.P.O. may  
 2538 ~~employ personnel or may~~ enter into contracts with local or state  
 2539 agencies, private planning firms, ~~or~~ private engineering firms,  
 2540 or other public or private entities to accomplish its  
 2541 transportation planning and programming duties and  
 2542 administrative functions required by state or federal law.

2543           (h) In order to enhance their knowledge, effectiveness,  
 2544 and participation in the urbanized area transportation planning  
 2545 process, each M.P.O. shall provide training opportunities and  
 2546 training funds specifically for local elected officials and  
 2547 others who serve on an M.P.O. The training opportunities may be  
 2548 conducted by an individual M.P.O. or through statewide and

2549 federal training programs and initiatives that are specifically  
 2550 designed to meet the needs of M.P.O. board members.

2551 (i)~~(h)~~ A chair's coordinating committee is created,  
 2552 composed of the M.P.O.'s serving Hernando, Hillsborough,  
 2553 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
 2554 committee must, at a minimum:

2555 1. Coordinate transportation projects deemed to be  
 2556 regionally significant by the committee.

2557 2. Review the impact of regionally significant land use  
 2558 decisions on the region.

2559 3. Review all proposed regionally significant  
 2560 transportation projects in the respective transportation  
 2561 improvement programs which affect more than one of the M.P.O.'s  
 2562 represented on the committee.

2563 4. Institute a conflict resolution process to address any  
 2564 conflict that may arise in the planning and programming of such  
 2565 regionally significant projects.

2566 (j)~~(i)~~1. The Legislature finds that the state's rapid  
 2567 growth in recent decades has caused many urbanized areas subject  
 2568 to M.P.O. jurisdiction to become contiguous to each other. As a  
 2569 result, various transportation projects may cross from the  
 2570 jurisdiction of one M.P.O. into the jurisdiction of another  
 2571 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
 2572 have been mandated, M.P.O.'s shall develop coordination  
 2573 mechanisms with one another to expand and improve transportation  
 2574 within the state. The appropriate method of coordination between  
 2575 M.P.O.'s shall vary depending upon the project involved and  
 2576 given local and regional needs. Consequently, it is appropriate

2577 to set forth a flexible methodology that can be used by M.P.O.'s  
 2578 to coordinate with other M.P.O.'s and appropriate political  
 2579 subdivisions as circumstances demand.

2580 2. Any M.P.O. may join with any other M.P.O. or any  
 2581 individual political subdivision to coordinate activities or to  
 2582 achieve any federal or state transportation planning or  
 2583 development goals or purposes consistent with federal or state  
 2584 law. When an M.P.O. determines that it is appropriate to join  
 2585 with another M.P.O. or any political subdivision to coordinate  
 2586 activities, the M.P.O. or political subdivision shall enter into  
 2587 an interlocal agreement pursuant to s. 163.01, which, at a  
 2588 minimum, creates a separate legal or administrative entity to  
 2589 coordinate the transportation planning or development activities  
 2590 required to achieve the goal or purpose; provides ~~provide~~ the  
 2591 purpose for which the entity is created; provides ~~provide~~ the  
 2592 duration of the agreement and the entity, and specifies ~~specify~~  
 2593 how the agreement may be terminated, modified, or rescinded;  
 2594 describes ~~describe~~ the precise organization of the entity,  
 2595 including who has voting rights on the governing board, whether  
 2596 alternative voting members are provided for, how voting members  
 2597 are appointed, and what the relative voting strength is for each  
 2598 constituent M.P.O. or political subdivision; provides ~~provide~~  
 2599 the manner in which the parties to the agreement will provide  
 2600 for the financial support of the entity and payment of costs and  
 2601 expenses of the entity; provides ~~provide~~ the manner in which  
 2602 funds may be paid to and disbursed from the entity; and provides  
 2603 ~~provide~~ how members of the entity will resolve disagreements  
 2604 regarding interpretation of the interlocal agreement or disputes

2605 relating to the operation of the entity. Such interlocal  
 2606 agreement shall become effective upon its recordation in the  
 2607 official public records of each county in which a member of the  
 2608 entity created by the interlocal agreement has a voting member.  
 2609 This paragraph does not require any M.P.O.'s to merge, combine,  
 2610 or otherwise join together as a single M.P.O.

2611 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
 2612 develop a long-range transportation plan that addresses at least  
 2613 a 20-year planning horizon. The plan must include both long-  
 2614 range and short-range strategies and must comply with all other  
 2615 state and federal requirements. The prevailing principles to be  
 2616 considered in the long-range transportation plan are: preserving  
 2617 the existing transportation infrastructure; enhancing Florida's  
 2618 economic competitiveness; and improving travel choices to ensure  
 2619 mobility. The long-range transportation plan must be consistent,  
 2620 to the maximum extent feasible, with future land use elements  
 2621 and the goals, objectives, and policies of the approved local  
 2622 government comprehensive plans of the units of local government  
 2623 located within the jurisdiction of the M.P.O. The approved long-  
 2624 range transportation plan must be considered by local  
 2625 governments in the development of the transportation elements in  
 2626 local government comprehensive plans and any amendments thereto.  
 2627 The long-range transportation plan must, at a minimum:

2628 (a) Identify transportation facilities, including, but not  
 2629 limited to, major roadways, airports, seaports, spaceports,  
 2630 commuter rail systems, transit systems, and intermodal or  
 2631 multimodal terminals that will function as an integrated  
 2632 metropolitan transportation system. The long-range

2633 transportation plan must give emphasis to those transportation  
2634 facilities that serve national, statewide, or regional  
2635 functions, and must consider the goals and objectives identified  
2636 in the Florida Transportation Plan as provided in s. 339.155. If  
2637 a project is located within the boundaries of more than one  
2638 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
2639 in the long-range transportation plan.

2640 (b) Include a financial plan that demonstrates how the  
2641 plan can be implemented, indicating resources from public and  
2642 private sources which are reasonably expected to be available to  
2643 carry out the plan, and recommends any additional financing  
2644 strategies for needed projects and programs. The financial plan  
2645 may include, for illustrative purposes, additional projects that  
2646 would be included in the adopted long-range transportation plan  
2647 if reasonable additional resources beyond those identified in  
2648 the financial plan were available. For the purpose of developing  
2649 the long-range transportation plan, the M.P.O. and the  
2650 department shall cooperatively develop estimates of funds that  
2651 will be available to support the plan implementation. Innovative  
2652 financing techniques may be used to fund needed projects and  
2653 programs. Such techniques may include the assessment of tolls,  
2654 the use of value capture financing, or the use of value pricing.

2655 (c) Assess capital investment and other measures necessary  
2656 to:

2657 1. Ensure the preservation of the existing metropolitan  
2658 transportation system including requirements for the operation,  
2659 resurfacing, restoration, and rehabilitation of major roadways  
2660 and requirements for the operation, maintenance, modernization,

2661 and rehabilitation of public transportation facilities; and  
 2662 2. Make the most efficient use of existing transportation  
 2663 facilities to relieve vehicular congestion and maximize the  
 2664 mobility of people and goods.

2665 (d) Indicate, as appropriate, proposed transportation  
 2666 enhancement activities, including, but not limited to,  
 2667 pedestrian and bicycle facilities, scenic easements,  
 2668 landscaping, historic preservation, mitigation of water  
 2669 pollution due to highway runoff, and control of outdoor  
 2670 advertising.

2671 (e) In addition to the requirements of paragraphs (a)-(d),  
 2672 in metropolitan areas that are classified as nonattainment areas  
 2673 for ozone or carbon monoxide, the M.P.O. must coordinate the  
 2674 development of the long-range transportation plan with the State  
 2675 Implementation Plan developed pursuant to the requirements of  
 2676 the federal Clean Air Act.

2677  
 2678 In the development of its long-range transportation plan, each  
 2679 M.P.O. must provide the public, affected public agencies,  
 2680 representatives of transportation agency employees, freight  
 2681 shippers, providers of freight transportation services, private  
 2682 providers of transportation, representatives of users of public  
 2683 transit, and other interested parties with a reasonable  
 2684 opportunity to comment on the long-range transportation plan.  
 2685 The long-range transportation plan must be approved by the  
 2686 M.P.O.

2687 (8) ~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
 2688 shall, in cooperation with the state and affected public



2689 transportation operators, develop a transportation improvement  
2690 program for the area within the jurisdiction of the M.P.O. In  
2691 the development of the transportation improvement program, each  
2692 M.P.O. must provide the public, affected public agencies,  
2693 representatives of transportation agency employees, freight  
2694 shippers, providers of freight transportation services, private  
2695 providers of transportation, representatives of users of public  
2696 transit, and other interested parties with a reasonable  
2697 opportunity to comment on the proposed transportation  
2698 improvement program.

2699 (a) Each M.P.O. is responsible for developing, annually, a  
2700 list of project priorities and a transportation improvement  
2701 program. The prevailing principles to be considered by each  
2702 M.P.O. when developing a list of project priorities and a  
2703 transportation improvement program are: preserving the existing  
2704 transportation infrastructure; enhancing Florida's economic  
2705 competitiveness; and improving travel choices to ensure  
2706 mobility. The transportation improvement program will be used to  
2707 initiate federally aided transportation facilities and  
2708 improvements as well as other transportation facilities and  
2709 improvements including transit, rail, aviation, spaceport, and  
2710 port facilities to be funded from the State Transportation Trust  
2711 Fund within its metropolitan area in accordance with existing  
2712 and subsequent federal and state laws and rules and regulations  
2713 related thereto. The transportation improvement program shall be  
2714 consistent, to the maximum extent feasible, with the approved  
2715 local government comprehensive plans of the units of local  
2716 government whose boundaries are within the metropolitan area of

2717 the M.P.O. and include those projects programmed pursuant to s.  
 2718 339.2819(4).

2719 (b) Each M.P.O. annually shall prepare a list of project  
 2720 priorities and shall submit the list to the appropriate district  
 2721 of the department by October 1 of each year; however, the  
 2722 department and a metropolitan planning organization may, in  
 2723 writing, agree to vary this submittal date. The list of project  
 2724 priorities must be formally reviewed by the technical and  
 2725 citizens' advisory committees, and approved by the M.P.O.,  
 2726 before it is transmitted to the district. The approved list of  
 2727 project priorities must be used by the district in developing  
 2728 the district work program and must be used by the M.P.O. in  
 2729 developing its transportation improvement program. The annual  
 2730 list of project priorities must be based upon project selection  
 2731 criteria that, at a minimum, consider the following:

- 2732 1. The approved M.P.O. long-range transportation plan;
- 2733 2. The Strategic Intermodal System Plan developed under s.  
 2734 339.64.
- 2735 3. The priorities developed pursuant to s. 339.2819(4).
- 2736 4. The results of the transportation management systems;  
 2737 and
- 2738 5. The M.P.O.'s public-involvement procedures.

2739 (c) The transportation improvement program must, at a  
 2740 minimum:

- 2741 1. Include projects and project phases to be funded with  
 2742 state or federal funds within the time period of the  
 2743 transportation improvement program and which are recommended for  
 2744 advancement during the next fiscal year and 4 subsequent fiscal

2745 | years. Such projects and project phases must be consistent, to  
2746 | the maximum extent feasible, with the approved local government  
2747 | comprehensive plans of the units of local government located  
2748 | within the jurisdiction of the M.P.O. For informational  
2749 | purposes, the transportation improvement program shall also  
2750 | include a list of projects to be funded from local or private  
2751 | revenues.

2752 |         2. Include projects within the metropolitan area which are  
2753 | proposed for funding under 23 U.S.C. s. 134 of the Federal  
2754 | Transit Act and which are consistent with the long-range  
2755 | transportation plan developed under subsection (7) ~~(6)~~.

2756 |         3. Provide a financial plan that demonstrates how the  
2757 | transportation improvement program can be implemented; indicates  
2758 | the resources, both public and private, that are reasonably  
2759 | expected to be available to accomplish the program; identifies  
2760 | any innovative financing techniques that may be used to fund  
2761 | needed projects and programs; and may include, for illustrative  
2762 | purposes, additional projects that would be included in the  
2763 | approved transportation improvement program if reasonable  
2764 | additional resources beyond those identified in the financial  
2765 | plan were available. Innovative financing techniques may include  
2766 | the assessment of tolls, the use of value capture financing, or  
2767 | the use of value pricing. The transportation improvement program  
2768 | may include a project or project phase only if full funding can  
2769 | reasonably be anticipated to be available for the project or  
2770 | project phase within the time period contemplated for completion  
2771 | of the project or project phase.

2772 |         4. Group projects and project phases of similar urgency

2773 and anticipated staging into appropriate staging periods.

2774 5. Indicate how the transportation improvement program  
 2775 relates to the long-range transportation plan developed under  
 2776 subsection (7) ~~(6)~~, including providing examples of specific  
 2777 projects or project phases that further the goals and policies  
 2778 of the long-range transportation plan.

2779 6. Indicate whether any project or project phase is  
 2780 inconsistent with an approved comprehensive plan of a unit of  
 2781 local government located within the jurisdiction of the M.P.O.  
 2782 If a project is inconsistent with an affected comprehensive  
 2783 plan, the M.P.O. must provide justification for including the  
 2784 project in the transportation improvement program.

2785 7. Indicate how the improvements are consistent, to the  
 2786 maximum extent feasible, with affected seaport, airport, and  
 2787 spaceport master plans and with public transit development plans  
 2788 of the units of local government located within the jurisdiction  
 2789 of the M.P.O. If a project is located within the boundaries of  
 2790 more than one M.P.O., the M.P.O.'s must coordinate plans  
 2791 regarding the project in the transportation improvement program.

2792 (d) Projects included in the transportation improvement  
 2793 program and that have advanced to the design stage of  
 2794 preliminary engineering may be removed from or rescheduled in a  
 2795 subsequent transportation improvement program only by the joint  
 2796 action of the M.P.O. and the department. Except when recommended  
 2797 in writing by the district secretary for good cause, any project  
 2798 removed from or rescheduled in a subsequent transportation  
 2799 improvement program shall not be rescheduled by the M.P.O. in  
 2800 that subsequent program earlier than the 5th year of such

2801 program.

2802 (e) During the development of the transportation  
2803 improvement program, the M.P.O. shall, in cooperation with the  
2804 department and any affected public transit operation, provide  
2805 citizens, affected public agencies, representatives of  
2806 transportation agency employees, freight shippers, providers of  
2807 freight transportation services, private providers of  
2808 transportation, representatives of users of public transit, and  
2809 other interested parties with reasonable notice of and an  
2810 opportunity to comment on the proposed program.

2811 (f) The adopted annual transportation improvement program  
2812 for M.P.O.'s in nonattainment or maintenance areas must be  
2813 submitted to the district secretary and the Department of  
2814 Community Affairs at least 90 days before the submission of the  
2815 state transportation improvement program by the department to  
2816 the appropriate federal agencies. The annual transportation  
2817 improvement program for M.P.O.'s in attainment areas must be  
2818 submitted to the district secretary and the Department of  
2819 Community Affairs at least 45 days before the department submits  
2820 the state transportation improvement program to the appropriate  
2821 federal agencies; however, the department, the Department of  
2822 Community Affairs, and a metropolitan planning organization may,  
2823 in writing, agree to vary this submittal date. The Governor or  
2824 the Governor's designee shall review and approve each  
2825 transportation improvement program and any amendments thereto.

2826 (g) The Department of Community Affairs shall review the  
2827 annual transportation improvement program of each M.P.O. for  
2828 consistency with the approved local government comprehensive

2829 plans of the units of local government whose boundaries are  
 2830 within the metropolitan area of each M.P.O. and shall identify  
 2831 those projects that are inconsistent with such comprehensive  
 2832 plans. The Department of Community Affairs shall notify an  
 2833 M.P.O. of any transportation projects contained in its  
 2834 transportation improvement program which are inconsistent with  
 2835 the approved local government comprehensive plans of the units  
 2836 of local government whose boundaries are within the metropolitan  
 2837 area of the M.P.O.

2838 (h) The M.P.O. shall annually publish or otherwise make  
 2839 available for public review the annual listing of projects for  
 2840 which federal funds have been obligated in the preceding year.  
 2841 Project monitoring systems must be maintained by those agencies  
 2842 responsible for obligating federal funds and made accessible to  
 2843 the M.P.O.'s.

2844 (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
 2845 develop, in cooperation with the department and public  
 2846 transportation providers, a unified planning work program that  
 2847 lists all planning tasks to be undertaken during the program  
 2848 year. The unified planning work program must provide a complete  
 2849 description of each planning task and an estimated budget  
 2850 therefor and must comply with applicable state and federal law.

2851 (10)~~(9)~~ AGREEMENTS.--

2852 (a) Each M.P.O. shall execute the following written  
 2853 agreements, which shall be reviewed, and updated as necessary,  
 2854 every 5 years:

2855 1. An agreement with the department clearly establishing  
 2856 the cooperative relationship essential to accomplish the

2857 transportation planning requirements of state and federal law.

2858       2. An agreement with the metropolitan and regional  
 2859 intergovernmental coordination and review agencies serving the  
 2860 metropolitan areas, specifying the means by which activities  
 2861 will be coordinated and how transportation planning and  
 2862 programming will be part of the comprehensive planned  
 2863 development of the area.

2864       3. An agreement with operators of public transportation  
 2865 systems, including transit systems, commuter rail systems,  
 2866 airports, seaports, and spaceports, describing the means by  
 2867 which activities will be coordinated and specifying how public  
 2868 transit, commuter rail, aviation, seaport, and aerospace  
 2869 planning and programming will be part of the comprehensive  
 2870 planned development of the metropolitan area.

2871       (b) An M.P.O. may execute other agreements required by  
 2872 state or federal law or as necessary to properly accomplish its  
 2873 functions.

2874       (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY  
 2875 COUNCIL.--

2876       (a) A Metropolitan Planning Organization Advisory Council  
 2877 is created to augment, and not supplant, the role of the  
 2878 individual M.P.O.'s in the cooperative transportation planning  
 2879 process described in this section.

2880       (b) The council shall consist of one representative from  
 2881 each M.P.O. and shall elect a chairperson annually from its  
 2882 number. Each M.P.O. shall also elect an alternate representative  
 2883 from each M.P.O. to vote in the absence of the representative.  
 2884 Members of the council do not receive any compensation for their

2885 services, but may be reimbursed from funds made available to  
 2886 council members for travel and per diem expenses incurred in the  
 2887 performance of their council duties as provided in s. 112.061.

2888 (c) The powers and duties of the Metropolitan Planning  
 2889 Organization Advisory Council are to:

2890 1. Enter into contracts with individuals, private  
 2891 corporations, and public agencies.

2892 2. Acquire, own, operate, maintain, sell, or lease  
 2893 personal property essential for the conduct of business.

2894 3. Accept funds, grants, assistance, gifts, or bequests  
 2895 from private, local, state, or federal sources.

2896 4. Establish bylaws and adopt rules pursuant to ss.  
 2897 120.536(1) and 120.54 to implement provisions of law conferring  
 2898 powers or duties upon it.

2899 5. Assist M.P.O.'s in carrying out the urbanized area  
 2900 transportation planning process by serving as the principal  
 2901 forum for collective policy discussion pursuant to law.

2902 6. Serve as a clearinghouse for review and comment by  
 2903 M.P.O.'s on the Florida Transportation Plan and on other issues  
 2904 required to comply with federal or state law in carrying out the  
 2905 urbanized area transportation and systematic planning processes  
 2906 instituted pursuant to s. 339.155.

2907 7. Employ an executive director and such other staff as  
 2908 necessary to perform adequately the functions of the council,  
 2909 within budgetary limitations. The executive director and staff  
 2910 are exempt from part II of chapter 110 and serve at the  
 2911 direction and control of the council. The council is assigned to  
 2912 the Office of the Secretary of the Department of Transportation



2913 for fiscal and accountability purposes, but it shall otherwise  
 2914 function independently of the control and direction of the  
 2915 department.

2916 8. Adopt an agency strategic plan that provides the  
 2917 priority directions the agency will take to carry out its  
 2918 mission within the context of the state comprehensive plan and  
 2919 any other statutory mandates and directions given to the agency.

2920 (12)~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by  
 2921 an agency of the Federal Government that any provision of this  
 2922 section conflicts with federal laws or regulations, such federal  
 2923 laws or regulations will take precedence to the extent of the  
 2924 conflict until such conflict is resolved. The department or an  
 2925 M.P.O. may take any necessary action to comply with such federal  
 2926 laws and regulations or to continue to remain eligible to  
 2927 receive federal funds.

2928 (13)~~(12)~~ VOTING REQUIREMENTS.--Each long-range  
 2929 transportation plan required pursuant to subsection (7) ~~(6)~~,  
 2930 each annually updated Transportation Improvement Program  
 2931 required under subsection (8) ~~(7)~~, and each amendment that  
 2932 affects projects in the first 3 years of such plans and programs  
 2933 must be approved by each M.P.O. on a recorded roll call vote, or  
 2934 hand-counted vote, of a majority of the membership present.

2935 Section 41. Subsection (2) of section 339.2819, Florida  
 2936 Statutes, is amended to read:

2937 339.2819 Transportation Regional Incentive Program.--

2938 (2) The percentage of matching funds provided from the  
 2939 Transportation Regional Incentive Program shall be 50 percent of  
 2940 project costs, ~~or up to 50 percent of the nonfederal share of~~

2941 ~~the eligible project cost for a public transportation facility~~  
 2942 ~~project.~~

2943 Section 42. Section 339.282, Florida Statutes, is created  
 2944 to read:

2945 339.282 Transportation concurrency incentives.--The  
 2946 Legislature finds that allowing private-sector entities to  
 2947 finance, construct, and improve public transportation facilities  
 2948 can provide significant benefits to the citizens of this state  
 2949 by facilitating transportation of the general public without the  
 2950 need for additional public tax revenues. In order to encourage  
 2951 the more efficient and proactive provision of transportation  
 2952 improvements by the private sector, if a developer or property  
 2953 owner voluntarily contributes right-of-way and physically  
 2954 constructs or expands a state transportation facility or  
 2955 segment, and such construction or expansion improves traffic  
 2956 flow, capacity, or safety, the voluntary contribution may be  
 2957 applied as a credit for that property owner or developer against  
 2958 any future transportation concurrency requirements pursuant to  
 2959 chapter 163, provided such contributions and credits are set  
 2960 forth in a legally binding agreement executed by the property  
 2961 owner or developer, the local government of the jurisdiction in  
 2962 which the facility is located, and the department. If the  
 2963 developer or property owner voluntarily contributes right-of-way  
 2964 and physically constructs or expands a local government facility  
 2965 or segment and such construction or expansion meets the  
 2966 requirements in this section and is set forth in a legally  
 2967 binding agreement between the property owner or developer and  
 2968 the applicable local government, the contribution to the local

2969 government collector and the arterial system may be applied as  
 2970 credit against any future transportation concurrency  
 2971 requirements within the jurisdiction under chapter 163.

2972 Section 43. Section 339.285, Florida Statutes, is created  
 2973 to read:

2974 339.285 Enhanced Bridge Program for Sustainable  
 2975 Transportation.--

2976 (1) There is created within the Department of  
 2977 Transportation the Enhanced Bridge Program for Sustainable  
 2978 Transportation for the purpose of providing funds to improve the  
 2979 sufficiency rating of local bridges and to improve congested  
 2980 roads on the State Highway System or local corridors on which  
 2981 high-cost bridges are located in order to improve a corridor or  
 2982 provide an alternative corridor.

2983 (2) Matching funds provided from the program may fund up  
 2984 to 50 percent of project costs.

2985 (3) The department shall allocate a minimum of 25 percent  
 2986 of funding available for the program for local bridge projects  
 2987 to replace, rehabilitate, paint, or install scour  
 2988 countermeasures to highway bridges located on public roads,  
 2989 other than those on the State Highway System. A project to be  
 2990 funded must, at a minimum:

2991 (a) Be classified as a structurally deficient bridge  
 2992 having a poor condition rating for the deck, superstructure,  
 2993 substructure component, or culvert;

2994 (b) Have a sufficiency rating of 35 or below; and

2995 (c) Have average daily traffic of at least 500 vehicles.

2996 (4) Special consideration shall be given to bridges that

2997 are closed to all traffic or that have a load restriction of  
 2998 less than 10 tons.

2999 (5) The department shall allocate remaining funding  
 3000 available for the program to improve highly congested roads on  
 3001 the State Highway System or local corridors on which high-cost  
 3002 bridges are located in order to improve the corridor or provide  
 3003 an alternative corridor. A project to be funded must, at a  
 3004 minimum:

3005 (a) Be on or provide direct relief to an existing corridor  
 3006 that is backlogged or constrained; and

3007 (b) Be a major bridge having an estimated cost greater  
 3008 than \$25 million.

3009 (6) Preference shall be given to bridge projects located  
 3010 on corridors that connect to the Strategic Intermodal System,  
 3011 created under s. 339.64, and that have been identified as  
 3012 regionally significant in accordance with s. 339.155(5)(c), (d),  
 3013 and (e).

3014 Section 44. Subsection (4) of section 339.55, Florida  
 3015 Statutes, is amended, and paragraph (c) is added to subsection  
 3016 (2) and paragraph (j) is added to subsection (7) of that  
 3017 section, to read:

3018 339.55 State-funded infrastructure bank.--

3019 (2) The bank may lend capital costs or provide credit  
 3020 enhancements for:

3021 (c)1. Emergency loans for damages incurred to public-use  
 3022 commercial deepwater seaports, public-use airports, and other  
 3023 public-use transit and intermodal facilities that are within an  
 3024 area that is part of an official state declaration of emergency

3025 pursuant to chapter 252 and all other applicable laws. Such  
 3026 loans:

3027 a. May not exceed 24 months in duration except in extreme  
 3028 circumstances, for which the Secretary of Transportation may  
 3029 grant up to 36 months upon making written findings specifying  
 3030 the conditions requiring a 36-month term.

3031 b. Require application from the recipient to the  
 3032 department that includes documentation of damage claims filed  
 3033 with the Federal Emergency Management Agency or an applicable  
 3034 insurance carrier and documentation of the recipient's overall  
 3035 financial condition.

3036 c. Are subject to approval by the Secretary of  
 3037 Transportation and the Legislative Budget Commission.

3038 2. Loans provided under this paragraph must be repaid upon  
 3039 receipt by the recipient of eligible program funding for damages  
 3040 in accordance with the claims filed with the Federal Emergency  
 3041 Management Agency or an applicable insurance carrier, but no  
 3042 later than the duration of the loan.

3043 (4) Loans from the bank may bear interest at or below  
 3044 market interest rates, as determined by the department.  
 3045 Repayment of any loan ~~from the bank~~ shall commence not later  
 3046 than 5 years after the project has been completed or, in the  
 3047 case of a highway project, the facility has opened to traffic,  
 3048 whichever is later, and shall be repaid within ~~in no more than~~  
 3049 30 years, except for loans provided under paragraph (2) (c),  
 3050 which shall be repaid within 36 months.

3051 (7) The department may consider, but is not limited to,  
 3052 the following criteria for evaluation of projects for assistance

3053 from the bank:

3054 (j) The extent to which damage from a disaster that  
 3055 results in a declaration of emergency has impacted a public  
 3056 transportation facility's ability to maintain its previous level  
 3057 of service and remain accessible to the public or has had a  
 3058 major impact on the cash flow or revenue-generation ability of  
 3059 the public-use facility.

3060 Section 45. Section 339.63, Florida Statutes, is amended  
 3061 to read:

3062 339.63 System facilities designated; additions and  
 3063 deletions.--

3064 (1) The initial Strategic Intermodal System shall include  
 3065 all facilities that meet the criteria recommended by the  
 3066 Strategic Intermodal Steering Committee in a report titled  
 3067 "Steering Committee Final Report: Recommendations for  
 3068 Designating Florida's Strategic Intermodal System" dated  
 3069 December 2002.

3070 (2) The Strategic Intermodal System and the Emerging  
 3071 Strategic Intermodal System include three different types of  
 3072 facilities that each form one component of an interconnected  
 3073 transportation system which types include:

3074 (a) Existing or planned hubs that are ports and terminals  
 3075 including airports, seaports, spaceports, passenger terminals,  
 3076 and rail terminals serving to move goods or people between  
 3077 Florida regions or between Florida and other markets in the  
 3078 United States and the rest of the world;

3079 (b) Existing or planned corridors that are highways, rail  
 3080 lines, waterways, and other exclusive-use facilities connecting

3081 major markets within Florida or between Florida and other states  
3082 or nations; and

3083 (c) Existing or planned intermodal connectors that are  
3084 highways, rail lines, waterways or local public transit systems  
3085 serving as connectors between the components listed in  
3086 paragraphs (a) and (b).

3087 (3) After ~~Subsequent to~~ the initial designation of the  
3088 Strategic Intermodal System ~~under pursuant to~~ subsection (1),  
3089 the department shall, in coordination with the metropolitan  
3090 planning organizations, local governments, regional planning  
3091 councils, transportation providers, and affected public  
3092 agencies, add facilities to or delete facilities from the  
3093 Strategic Intermodal System described in paragraphs (2)(b) and  
3094 (2)(c) based upon criteria adopted by the department.

3095 (4) After the initial designation of the Strategic  
3096 Intermodal System under subsection (1), the department shall, in  
3097 coordination with the metropolitan planning organizations, local  
3098 governments, regional planning councils, transportation  
3099 providers, and affected public agencies, add facilities to or  
3100 delete facilities from the Strategic Intermodal System described  
3101 in paragraph (2)(a) based upon criteria adopted by the  
3102 department. However, an airport that is designated as a reliever  
3103 airport to a Strategic Intermodal System airport which has at  
3104 least 75,000 itinerant operations per year, has a runway length  
3105 of at least 5,500 linear feet, is capable of handling aircraft  
3106 weighing at least 60,000 pounds with a dual wheel configuration  
3107 which is served by at least one precision instrument approach,  
3108 and serves a cluster of aviation-dependent industries, shall be

3109 designated as part of the Strategic Intermodal System by the the  
 3110 Secretary of Transportation upon the request of a reliever  
 3111 airport meeting this criteria. shall periodically add facilities  
 3112 ~~to or delete facilities from the Strategic Intermodal System~~  
 3113 ~~based upon adopted criteria.~~

3114 Section 46. Subsection (2) of section 341.071, Florida  
 3115 Statutes, is amended to read:

3116 341.071 Transit productivity and performance measures;  
 3117 reports.--

3118 (2) Each public transit provider shall establish  
 3119 productivity and performance measures, which must be approved by  
 3120 the department and which must be selected from measures  
 3121 developed pursuant to s. 341.041(3). Each provider shall by  
 3122 January 31 of each year report ~~annually~~ to the department  
 3123 relative to these measures. In approving these measures, the  
 3124 department shall give consideration to the goals and objectives  
 3125 of each system, the needs of the local area, and the role for  
 3126 public transit in the local area. The report shall also  
 3127 specifically address potential enhancements to productivity and  
 3128 performance which would have the effect of increasing farebox  
 3129 recovery ratio.

3130 Section 47. Paragraph (a) of subsection (2) of section  
 3131 343.81, Florida Statutes, is amended to read:

3132 343.81 Northwest Florida Transportation Corridor  
 3133 Authority.--

3134 (2) (a) The governing body of the authority shall consist  
 3135 of eight voting members, one each from Escambia, Santa Rosa,  
 3136 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,



3137 appointed by the Governor to a 4-year term. The appointees shall  
 3138 be residents of their respective counties and may not hold an  
 3139 elected office. Upon the effective date of his or her  
 3140 appointment, or as soon thereafter as practicable, each  
 3141 appointed member of the authority shall enter upon his or her  
 3142 duties. Each appointed member shall hold office until his or her  
 3143 successor has been appointed and has qualified. A vacancy  
 3144 occurring during a term shall be filled only for the balance of  
 3145 the unexpired term. Any member of the authority shall be  
 3146 eligible for reappointment. Members of the authority may be  
 3147 removed from office by the Governor for misconduct, malfeasance,  
 3148 misfeasance, or nonfeasance in office.

3149 Section 48. The amendments made by this act to s. 343.81,  
 3150 Florida Statutes, prohibiting the appointment of a person  
 3151 holding an elected office to the Northwest Florida  
 3152 Transportation Corridor Authority shall not prohibit any member  
 3153 appointed prior to the effective date of this act from  
 3154 completing his or her current term, and the prohibition shall  
 3155 only apply to members appointed after the effective date of this  
 3156 act and shall not preclude the reappointment of any existing  
 3157 member.

3158 Section 49. Subsection (2) of section 343.82, Florida  
 3159 Statutes, is amended to read:

3160 343.82 Purposes and powers.--

3161 (2) (a) The authority is authorized to construct any feeder  
 3162 roads, reliever roads, connector roads, bypasses, or appurtenant  
 3163 facilities that are intended to improve mobility along the U.S.  
 3164 98 corridor. The transportation improvement projects may also

3165 include all necessary approaches, roads, bridges, and avenues of  
 3166 access that are desirable and proper with the concurrence, where  
 3167 applicable, of the department if the project is to be part of  
 3168 the State Highway System or the respective county or municipal  
 3169 governing boards. Any transportation facilities constructed by  
 3170 the authority may be tolled.

3171 (b) Notwithstanding any special act to the contrary, the  
 3172 authority shall plan for and study the feasibility of  
 3173 constructing, operating, and maintaining a bridge or bridges  
 3174 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and  
 3175 access roads to such bridge or bridges, including studying the  
 3176 environmental and economic feasibility of such bridge or bridges  
 3177 and access roads, and such other transportation facilities that  
 3178 become part of such bridge system. The authority may construct,  
 3179 operate, and maintain the bridge system if the authority  
 3180 determines that the bridge system project is feasible and  
 3181 consistent with the authority's primary purpose and master plan.

3182 Section 50. Section 334.30, Florida Statutes, is amended  
 3183 to read:

3184 334.30 Public-private transportation facilities.--The  
 3185 Legislature ~~hereby~~ finds and declares that there is a public  
 3186 need for the rapid construction of safe and efficient  
 3187 transportation facilities for the purpose of traveling ~~travel~~  
 3188 within the state, and that it is in the public's interest to  
 3189 provide for the construction of additional safe, convenient, and  
 3190 economical transportation facilities.

3191 (1) The department may receive or solicit proposals and,  
 3192 with legislative approval as evidenced by approval of the

3193 project in the department's work program, enter into agreements  
 3194 with private entities, or consortia thereof, for the building,  
 3195 operation, ownership, or financing of transportation facilities.  
 3196 The department may advance projects programmed in the adopted 5-  
 3197 year work program or projects increasing transportation capacity  
 3198 and greater than \$500 million in the 10-year Strategic  
 3199 Intermodal Plan using funds provided by public-private  
 3200 partnerships or private entities to be reimbursed from  
 3201 department funds for the project as programmed in the adopted  
 3202 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 residents ~~citizens~~ of the state in the  
 3215 event of default or cancellation of the agreement by the  
 3216 department; ~~-~~
- 3217 (d) Would have adequate safeguards in place to ensure that  
 3218 the department or the private entity has the opportunity to add  
 3219 capacity to the proposed project and other transportation  
 3220 facilities serving similar origins and destinations; and

3221 (e) Would be owned by the department upon completion or  
 3222 termination of the agreement.

3223  
 3224 The department shall ensure that all reasonable costs to the  
 3225 state, related to transportation facilities that are not part of  
 3226 the State Highway System, are borne by the private entity. The  
 3227 department shall also ensure that all reasonable costs to the  
 3228 state and substantially affected local governments and  
 3229 utilities, related to the private transportation facility, are  
 3230 borne by the private entity for transportation facilities that  
 3231 are owned by private entities. For projects on the State Highway  
 3232 System, the department may use state resources to participate in  
 3233 funding and financing the project as provided for under the  
 3234 department's enabling legislation.

3235 (2) Agreements entered into pursuant to this section may  
 3236 authorize the private entity to impose tolls or fares for the  
 3237 use of the facility. The following provisions shall apply to  
 3238 such agreements: ~~However, the amount and use of toll or fare~~  
 3239 ~~revenues shall be regulated by the department to avoid~~  
 3240 ~~unreasonable costs to users of the facility.~~

3241 (a) With the exception of the Florida Turnpike System, the  
 3242 department may lease existing toll facilities through public-  
 3243 private partnerships. The public-private partnership agreement  
 3244 must ensure that the transportation facility is properly  
 3245 operated, maintained, and renewed in accordance with department  
 3246 standards.

3247 (b) The department may develop new toll facilities or  
 3248 increase capacity on existing toll facilities through public-

3249 private partnerships. The public-private partnership agreement  
3250 must ensure that the toll facility is properly operated,  
3251 maintained, and renewed in accordance with department standards.

3252 (c) Any toll revenues shall be regulated by the department  
3253 pursuant to s. 338.165(3). The regulations governing the future  
3254 increase of toll or fare revenues shall be included in the  
3255 public-private partnership agreement.

3256 (d) The department shall provide the analysis required in  
3257 subsection (6)(e)2. of this section to the Legislative Budget  
3258 Commission created pursuant to s. 11.90 for review and approval  
3259 prior to awarding a contract on a lease of an existing toll  
3260 facility.

3261 (e) The department shall include provisions in the public-  
3262 private partnership agreement that ensure a negotiated portion  
3263 of revenues from tolled or fare generating projects are returned  
3264 to the department over the life of the public-private  
3265 partnership agreement. In the case of a lease of an existing  
3266 toll facility, the department shall receive a portion of funds  
3267 upon closing on the agreements and shall also include provisions  
3268 in the agreement to receive payment of a portion of excess  
3269 revenues over the life of the public-private partnership.

3270 (f) The private entity shall provide an investment grade  
3271 traffic and revenue study prepared by an internationally  
3272 recognized traffic and revenue expert that is accepted by the  
3273 national bond rating agencies. The private entity shall also  
3274 provide a finance plan that identifies the project cost,  
3275 revenues by source, financing, major assumptions, internal rate  
3276 of return on private investments, and whether any government

3277 funds are assumed to deliver a cost feasible project, and a  
 3278 total cash flow analysis beginning with implementation of the  
 3279 project and extending for the term of the agreement.

3280 (3) Each private transportation facility constructed  
 3281 pursuant to this section shall comply with all requirements of  
 3282 federal, state, and local laws; state, regional, and local  
 3283 comprehensive plans; department rules, policies, procedures, and  
 3284 standards for transportation facilities; and any other  
 3285 conditions which the department determines to be in the public's  
 3286 best interest.

3287 (4) The department may exercise any power possessed by it,  
 3288 including eminent domain, with respect to the development and  
 3289 construction of state transportation projects to facilitate the  
 3290 development and construction of transportation projects pursuant  
 3291 to this section. The department may provide services to the  
 3292 private entity. Agreements for maintenance, law enforcement, and  
 3293 other services entered into pursuant to this section shall  
 3294 provide for full reimbursement for services rendered for  
 3295 projects not on the State Highway System.

3296 (5) Except as herein provided, the provisions of this  
 3297 section are not intended to amend existing laws by granting  
 3298 additional powers to, or further restricting, local governmental  
 3299 entities from regulating and entering into cooperative  
 3300 arrangements with the private sector for the planning,  
 3301 construction, and operation of transportation facilities.

3302 (6) The procurement of public-private partnerships by the  
 3303 department shall follow the provisions of this section. Sections  
 3304 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,

3305 337.185, 337.19, 337.221, and 337.251 shall not apply to  
 3306 procurements under this section unless a provision is included  
 3307 in the procurement documents. The department shall ensure that  
 3308 generally accepted business practices for exemptions provided by  
 3309 this subsection are part of the procurement process or are  
 3310 included in the public-private partnership agreement.

3311 (a) The department may request proposals from private  
 3312 entities for public-private transportation projects or, if the  
 3313 department receives an unsolicited proposal, the department  
 3314 shall publish a notice in the Florida Administrative Weekly and  
 3315 a newspaper of general circulation at least once a week for 2  
 3316 weeks stating that the department has received the proposal and  
 3317 will accept, for ~~120~~ 60 days after the initial date of  
 3318 publication, other proposals for the same project purpose. A  
 3319 copy of the notice must be mailed to each local government in  
 3320 the affected area.

3321 (b) Public-private partnerships shall be qualified by the  
 3322 department as part of the procurement process as outlined in the  
 3323 procurement documents, provided such process ensures that the  
 3324 private firm meets at least the minimum department standards for  
 3325 qualification in department rule for professional engineering  
 3326 services and road and bridge contracting prior to submitting a  
 3327 proposal under the procurement.

3328 (c) The department shall ensure that procurement documents  
 3329 include provisions for performance of the private entity and  
 3330 payment of subcontractors, including, but not limited to, surety  
 3331 bonds, letters of credit, parent company guarantees, and lender  
 3332 and equity partner guarantees. The department shall balance the

3333 structure of the security package for the public-private  
 3334 partnership that ensures performance and payment of  
 3335 subcontractors with the cost of the security to ensure the most  
 3336 efficient pricing.

3337 (d) After the public notification period has expired, the  
 3338 department shall rank the proposals in order of preference. In  
 3339 ranking the proposals, the department may consider factors that  
 3340 include, ~~including~~, but are not limited to, professional  
 3341 qualifications, general business terms, innovative engineering  
 3342 or cost-reduction terms, finance plans, and the need for state  
 3343 funds to deliver the project. If the department is not satisfied  
 3344 with the results of the negotiations, the department may, at its  
 3345 sole discretion, terminate negotiations with the proposer. If  
 3346 these negotiations are unsuccessful, the department may go to  
 3347 the second-ranked and lower-ranked firms, in order, using this  
 3348 same procedure. If only one proposal is received, the department  
 3349 may negotiate in good faith and, if the department is not  
 3350 satisfied with the results of the negotiations, the department  
 3351 may, at its sole discretion, terminate negotiations with the  
 3352 proposer. Notwithstanding this subsection, the department may,  
 3353 at its discretion, reject all proposals at any point in the  
 3354 process up to completion of a contract with the proposer.

3355 (e) The department shall provide an independent analysis  
 3356 of the proposed public-private partnership that demonstrates the  
 3357 cost-effectiveness and overall public benefit at the following  
 3358 times:

- 3359 1. Prior to moving forward with the procurement; and
- 3360 2. If the procurement moves forward, prior to awarding the



3361 contract.

3362 (7) The department may lend funds from the Toll Facilities  
3363 Revolving Trust Fund, as outlined in s. 338.251, to private  
3364 entities that construct projects on the State Highway System  
3365 containing toll facilities that are approved under this section.  
3366 To be eligible, a private entity must comply with s. 338.251 and  
3367 must provide an indication from a nationally recognized rating  
3368 agency that the senior bonds for the project will be investment  
3369 grade, or must provide credit support such as a letter of credit  
3370 or other means acceptable to the department, to ensure that the  
3371 loans will be fully repaid. The state's liability for the  
3372 funding of a facility is limited to the amount approved for that  
3373 specific facility in the department's 5-year work program  
3374 adopted pursuant to s. 339.135.

3375 (8) The department may use innovative finance techniques  
3376 associated with a public-private partnership under this section,  
3377 including, but not limited to, federal loans as provided in  
3378 Title 23 and Title 49 of the Code of Federal Regulations,  
3379 commercial bank loans, and hedges against inflation from  
3380 commercial banks or other private sources.

3381 (9) The department may enter into public-private  
3382 partnership agreements that include extended terms providing  
3383 annual payments for performance based on the availability of  
3384 service or the facility being open to traffic or based on the  
3385 level of traffic using the facility. In addition to other  
3386 provisions in this section, the following provisions shall  
3387 apply:

3388 (a) The annual payments under such agreement shall be

3389 included in the department's tentative work program developed  
3390 under s. 339.135 and the long-range transportation plan for the  
3391 applicable metropolitan planning organization developed under s.  
3392 339.175. The department shall ensure that annual payments on  
3393 multiyear public-private partnership agreements are prioritized  
3394 ahead of new capacity projects in the development and updating  
3395 of the tentative work program.

3396 (b) The annual payments are subject to annual  
3397 appropriation by the Legislature as provided in the General  
3398 Appropriations Act in support of the first year of the tentative  
3399 work program.

3400 (10) The department shall provide a summary of new public-  
3401 private partnership projects each year as part of the submittal  
3402 of the Tentative Work Program pursuant to s. 339.135. This  
3403 summary shall include identification of planned funding from the  
3404 State Transportation Trust Fund beyond the 5-year Tentative Work  
3405 Program period that are the public involvement process for  
3406 project, including discussion of the planned use of future funds  
3407 to deliver the project.

3408 (11) Prior to entering such agreement where funds are  
3409 committed from the State Transportation Trust Fund, the project  
3410 must be prioritized as follows:

3411 (a) The department, in coordination with the local  
3412 metropolitan planning organization, shall prioritize projects  
3413 included in the Strategic Intermodal System 10-year and long-  
3414 range cost feasible plans.

3415 (b) The department, in coordination with the local  
3416 metropolitan planning organization or local government where

3417 there is no metropolitan planning organization, shall prioritize  
 3418 projects, for facilities not on the Strategic Intermodal System,  
 3419 included in the metropolitan planning organization cost feasible  
 3420 transportation improvement plan and long-range transportation  
 3421 plan.

3422 (12) Public-private partnership agreements under this  
 3423 section shall be limited to a term not exceeding 50 years. Upon  
 3424 making written findings that an agreement under this section  
 3425 requires a term in excess of 50 years, the secretary of the  
 3426 department may authorize a term of up to 75 years. Agreements  
 3427 under this section shall not have a term in excess of 75 years  
 3428 unless specifically approved by the Legislature. The department  
 3429 shall identify each new project under this section with a term  
 3430 exceeding 75 years in the transmittal letter that accompanies  
 3431 the submittal of the tentative work program to the Governor and  
 3432 the Legislature in accordance with s. 339.135.

3433 (13) The department shall ensure that no more than 15  
 3434 percent of total federal and state funding in any given year for  
 3435 the State Transportation Trust Fund shall be obligated  
 3436 collectively for all projects under this section.

3437 ~~(8) A fixed guideway transportation system authorized by~~  
 3438 ~~the department to be wholly or partially within the department's~~  
 3439 ~~right of way pursuant to a lease granted under s. 337.251 may~~  
 3440 ~~operate at any safe speed.~~

3441 Section 51. Section 338.165, Florida Statutes, is amended  
 3442 to read:

3443 338.165 Continuation of tolls.--

3444 (1) The department, any transportation or expressway

3445 authority or, in the absence of an authority, a county or  
 3446 counties may continue to collect the toll on a revenue-producing  
 3447 project after the discharge of any bond indebtedness related to  
 3448 such project and may increase such toll. All tolls so collected  
 3449 shall first be used to pay the annual cost of the operation,  
 3450 maintenance, and improvement of the toll project.

3451 (2) If the revenue-producing project is on the State  
 3452 Highway System, any remaining toll revenue shall be used for the  
 3453 construction, maintenance, or improvement of any road on the  
 3454 State Highway System within the county or counties in which the  
 3455 revenue-producing project is located, except as provided in s.  
 3456 348.0004.

3457 (3) Notwithstanding any other provision of law, the  
 3458 department including the turnpike enterprise shall index toll  
 3459 rates on existing toll facilities to the annual Consumer Price  
 3460 Index or similar inflation indicators. Toll rate adjustments for  
 3461 inflation under this subsection may be made no more frequently  
 3462 than once a year and must be made no less frequently than once  
 3463 every 5 years as necessary to accommodate cash toll rate  
 3464 schedules. Toll rates may be increased beyond these limits as  
 3465 directed by bond documents, covenants, or governing body  
 3466 authorization or pursuant to department administrative rule.

3467 (4)~~(3)~~ Notwithstanding any other law to the contrary,  
 3468 pursuant to s. 11, Art. VII of the State Constitution, and  
 3469 subject to the requirements of subsection (2), the Department of  
 3470 Transportation may request the Division of Bond Finance to issue  
 3471 bonds secured by toll revenues collected on the Alligator Alley,  
 3472 the Sunshine Skyway Bridge, the Beeline-East Expressway, the

3473 Navarre Bridge, and the Pinellas Bayway to fund transportation  
 3474 projects located within the county or counties in which the  
 3475 project is located and contained in the adopted work program of  
 3476 the department.

3477 (5)~~(4)~~ If the revenue-producing project is on the county  
 3478 road system, any remaining toll revenue shall be used for the  
 3479 construction, maintenance, or improvement of any other state or  
 3480 county road within the county or counties in which the revenue-  
 3481 producing project is located, except as provided in s. 348.0004.

3482 (6)~~(5)~~ Selection of projects on the State Highway System  
 3483 for construction, maintenance, or improvement with toll revenues  
 3484 shall be, with the concurrence of the department, consistent  
 3485 with the Florida Transportation Plan.

3486 (7) With the exception of subsection (3), this section  
 3487 does not apply to the turnpike system as defined under the  
 3488 Florida Turnpike Enterprise Law.

3489 Section 52. Section 338.234, Florida Statutes, is amended  
 3490 to read:

3491 338.234 Granting concessions or selling along the turnpike  
 3492 system; immunity from taxation.--

3493 (1) The department may enter into contracts or licenses  
 3494 with any person for the sale of services or products or business  
 3495 opportunities on the turnpike system, or the turnpike enterprise  
 3496 may sell services, products, or business opportunities on the  
 3497 turnpike system, which benefit the traveling public or provide  
 3498 additional revenue to the turnpike system. Services, business  
 3499 opportunities, and products authorized to be sold include, but  
 3500 are not limited to, motor fuel, vehicle towing, and vehicle

3501 maintenance services; food with attendant nonalcoholic  
 3502 beverages; lodging, meeting rooms, and other business services  
 3503 opportunities; advertising and other promotional opportunities,  
 3504 which advertising and promotions must be consistent with the  
 3505 dignity and integrity of the state; state lottery tickets sold  
 3506 by authorized retailers; games and amusements that operate by  
 3507 the application of skill, not including games of chance as  
 3508 defined in s. 849.16 or other illegal gambling games; Florida  
 3509 citrus, goods promoting the state, or handmade goods produced  
 3510 within the state; and travel information, tickets, reservations,  
 3511 or other related services. However, the department, pursuant to  
 3512 the grants of authority to the turnpike enterprise under this  
 3513 section, shall not exercise the power of eminent domain solely  
 3514 for the purpose of acquiring real property in order to provide  
 3515 business services or opportunities, such as lodging and meeting-  
 3516 room space on the turnpike system.

3517 (2) The effectuation of the authorized purposes of the  
 3518 Florida Intrastate Highway System and Florida Turnpike  
 3519 Enterprise, created under this chapter, is for the benefit of  
 3520 the people of the state, for the increase of their commerce and  
 3521 prosperity, and for the improvement of their health and living  
 3522 conditions and, because the system and enterprise perform  
 3523 essential government functions in effectuating such purposes,  
 3524 neither the turnpike enterprise nor any nongovernment lessee or  
 3525 licensee renting, leasing, or licensing real property from the  
 3526 turnpike enterprise, pursuant to an agreement authorized by this  
 3527 section are required to pay any commercial rental tax imposed  
 3528 under s. 212.031 on any capital improvements constructed,

3529 improved, acquired, installed, or used for such purposes.

3530 Section 53. Paragraph (c) of subsection (4) of section  
3531 348.0003, Florida Statutes, is amended to read:

3532 (4)

3533 (c) Members of an authority shall be required to comply  
3534 with the applicable financial disclosure requirements of s. 8,  
3535 Art. II of the State Constitution ss. 112.3145, 112.3148, and  
3536 112.3149.

3537 Section 54. Subsection (9) of section 348.0004, Florida  
3538 Statutes, is amended to read:

3539 348.0004 Purposes and powers.--

3540 (9) The Legislature declares that there is a public need  
3541 for the rapid construction of safe and efficient transportation  
3542 facilities for traveling ~~travel~~ within the state and that it is  
3543 in the public's interest to provide for public-private  
3544 partnership agreements to effectuate the construction of  
3545 additional safe, convenient, and economical transportation  
3546 facilities.

3547 (a) Notwithstanding any other provision of the Florida  
3548 Expressway Authority Act, any expressway authority,  
3549 transportation authority, bridge authority, or toll authority  
3550 may receive or solicit proposals and enter into agreements with  
3551 private entities, or consortia thereof, for the building,  
3552 operation, ownership, or financing of ~~expressway~~ authority  
3553 transportation facilities or new transportation facilities  
3554 within the jurisdiction of the ~~expressway~~ authority which  
3555 increase transportation capacity. An authority may not sell or  
3556 lease any transportation facility owned by the authority,

3557 without providing the analysis required in s. 334.30(6)(e)2. to  
 3558 the Legislative Budget Commission created pursuant to s. 11.90  
 3559 for review and approval prior to awarding a contract on a lease  
 3560 of an existing toll facility. An ~~expressway~~ authority is  
 3561 authorized to adopt rules to implement this subsection and  
 3562 shall, by rule, establish an application fee for the submission  
 3563 of unsolicited proposals under this subsection. The fee must be  
 3564 sufficient to pay the costs of evaluating the proposals. An  
 3565 ~~expressway~~ authority may engage private consultants to assist in  
 3566 the evaluation. Before approval, an ~~expressway~~ authority must  
 3567 determine that a proposed project:

- 3568 1. Is in the public's best interest.
- 3569 2. Would not require state funds to be used unless the  
 3570 project is on or provides increased mobility on the State  
 3571 Highway System.
- 3572 3. Would have adequate safeguards to ensure that no  
 3573 additional costs or service disruptions would be realized by the  
 3574 traveling public and residents ~~citizens~~ of the state in the  
 3575 event of default or the cancellation of the agreement by the  
 3576 ~~expressway~~ authority.
- 3577 4. Would have adequate safeguards in place to ensure that  
 3578 the department, the authority, or the private entity has the  
 3579 opportunity to add capacity to the proposed project and other  
 3580 transportation facilities serving similar origins and  
 3581 destinations.
- 3582 5. Would be owned by the authority upon completion or  
 3583 termination of the agreement.

3584 (b) An ~~expressway~~ authority shall ensure that all



3585 reasonable costs to the state which are, related to  
3586 transportation facilities that are not part of the State Highway  
3587 System, are borne by the private entity. An ~~expressway~~ authority  
3588 shall also ensure that all reasonable costs to the state and  
3589 substantially affected local governments and utilities related  
3590 to the private transportation facility are borne by the private  
3591 entity for transportation facilities that are owned by private  
3592 entities. For projects on the State Highway System, the  
3593 department may use state resources to participate in funding and  
3594 financing the project as provided for under the department's  
3595 enabling legislation.

3596 (c) The ~~expressway~~ authority may request proposals for  
3597 public-private transportation projects or, if it receives an  
3598 unsolicited proposal, it must publish a notice in the Florida  
3599 Administrative Weekly and a newspaper of general circulation in  
3600 the county in which it is located at least once a week for 2  
3601 weeks, stating that it has received the proposal and will  
3602 accept, for 60 days after the initial date of publication, other  
3603 proposals for the same project purpose. A copy of the notice  
3604 must be mailed to each local government in the affected areas.  
3605 After the public notification period has expired, the ~~expressway~~  
3606 authority shall rank the proposals in order of preference. In  
3607 ranking the proposals, the ~~expressway~~ authority shall consider  
3608 professional qualifications, general business terms, innovative  
3609 engineering or cost-reduction terms, finance plans, and the need  
3610 for state funds to deliver the proposal. If the ~~expressway~~  
3611 authority is not satisfied with the results of the negotiations,  
3612 it may, at its sole discretion, terminate negotiations with the

3613 proposer. If these negotiations are unsuccessful, the ~~expressway~~  
 3614 authority may go to the second and lower-ranked firms, in order,  
 3615 using the same procedure. If only one proposal is received, the  
 3616 ~~expressway~~ authority may negotiate in good faith, and if it is  
 3617 not satisfied with the results, it may, at its sole discretion,  
 3618 terminate negotiations with the proposer. ~~Notwithstanding this~~  
 3619 ~~paragraph,~~ The ~~expressway~~ authority may, at its discretion,  
 3620 reject all proposals at any point in the process up to  
 3621 completion of a contract with the proposer.

3622 (d) The department may lend funds from the Toll Facilities  
 3623 Revolving Trust Fund, as outlined in s. 338.251, to public-  
 3624 private partnerships. To be eligible a private entity must  
 3625 comply with s. 338.251 and must provide an indication from a  
 3626 nationally recognized rating agency that the senior bonds for  
 3627 the project will be investment grade or must provide credit  
 3628 support, such as a letter of credit or other means acceptable to  
 3629 the department, to ensure that the loans will be fully repaid.

3630 (e) Agreements entered into pursuant to this subsection  
 3631 may authorize the public-private entity to impose tolls or fares  
 3632 for the use of the facility. However, the amount and use of toll  
 3633 or fare revenues shall be regulated by the ~~expressway~~ authority  
 3634 to avoid unreasonable costs to users of the facility.

3635 (f) Each public-private transportation facility  
 3636 constructed pursuant to this subsection shall comply with all  
 3637 requirements of federal, state, and local laws; state, regional,  
 3638 and local comprehensive plans; the ~~expressway~~ authority's rules,  
 3639 policies, procedures, and standards for transportation  
 3640 facilities; and any other conditions that the ~~expressway~~

3641 authority determines to be in the public's best interest.

3642 (g) An ~~expressway~~ authority may exercise any power  
 3643 possessed by it, including eminent domain, to facilitate the  
 3644 development and construction of transportation projects pursuant  
 3645 to this subsection. An ~~expressway~~ authority may pay all or part  
 3646 of the cost of operating and maintaining the facility or may  
 3647 provide services to the private entity for which it receives  
 3648 full or partial reimbursement for services rendered.

3649 (h) Except as herein provided, this subsection is not  
 3650 intended to amend existing laws by granting additional powers to  
 3651 or further restricting the governmental entities from regulating  
 3652 and entering into cooperative arrangements with the private  
 3653 sector for the planning, construction, and operation of  
 3654 transportation facilities. Use of the powers granted in this  
 3655 subsection do not subject a statutorily created expressway  
 3656 authority, transportation authority, bridge authority, or toll  
 3657 authority, other than one created under this part, to any of the  
 3658 requirements of this part other than those contained in this  
 3659 subsection.

3660 Section 55. Section 348.0012, Florida Statutes, is amended  
 3661 to read:

3662 348.0012 Exemptions from applicability.--The Florida  
 3663 Expressway Authority Act does not apply:

3664 (1) In a county in which an expressway authority has been  
 3665 created pursuant to parts II-IX of this chapter, except as  
 3666 expressly provided in this part; or

3667 (2) To a transportation authority created pursuant to  
 3668 chapter 349.

3669 Section 56. Subsection (6) is added to section 348.754,  
 3670 Florida Statutes, to read:

3671 348.754 Purposes and powers.--

3672 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange  
 3673 County Expressway Authority may waive payment and performance  
 3674 bonds on construction contracts for the construction of a public  
 3675 building, for the prosecution and completion of a public work,  
 3676 or for repairs on a public building or public work that has a  
 3677 cost of \$500,000 or less and when the project is awarded  
 3678 pursuant to an economic development program for the  
 3679 encouragement of local small businesses that has been adopted by  
 3680 the governing body of the Orlando-Orange County Expressway  
 3681 Authority pursuant to a resolution or policy.

3682 (b) The authority's adopted criteria for participation in  
 3683 the economic development program for local small businesses  
 3684 requires that a participant:

- 3685 1. Be an independent business.
- 3686 2. Be principally domiciled in the Orange County Standard  
 3687 Metropolitan Statistical Area.
- 3688 3. Employ 25 or fewer full-time employees.
- 3689 4. Have gross annual sales averaging \$3 million or less  
 3690 over the immediately preceding 3 calendar years with regard to  
 3691 any construction element of the program.
- 3692 5. Be accepted as a participant in the Orlando-Orange  
 3693 County Expressway Authority's microcontracts program or such  
 3694 other small business program as may be hereinafter enacted by  
 3695 the Orlando-Orange County Expressway Authority.
- 3696 6. Participate in an educational curriculum or technical

3697 assistance program for business development that will assist the  
3698 small business in becoming eligible for bonding.

3699 (c) The authority's adopted procedures for waiving payment  
3700 and performance bonds on projects with values not less than  
3701 \$200,000 and not exceeding \$500,000 shall provide that payment  
3702 and performance bonds may only be waived on projects that have  
3703 been set aside to be competitively bid on by participants in an  
3704 economic development program for local small businesses. The  
3705 authority's executive director or his or her designee shall  
3706 determine whether specific construction projects are suitable  
3707 for:

3708 1. Bidding under the authority's microcontracts program by  
3709 registered local small businesses; and

3710 2. Waiver of the payment and performance bond.

3711  
3712 The decision of the authority's executive director or deputy  
3713 executive director to waive the payment and performance bond  
3714 shall be based upon his or her investigation and conclusion that  
3715 there exists sufficient competition so that the authority  
3716 receives a fair price and does not undertake any unusual risk  
3717 with respect to such project.

3718 (d) For any contract for which a payment and performance  
3719 bond has been waived pursuant to the authority set forth in this  
3720 section, the Orlando-Orange County Expressway Authority shall  
3721 pay all persons defined in s. 713.01 who furnish labor,  
3722 services, or materials for the prosecution of the work provided  
3723 for in the contract to the same extent and upon the same  
3724 conditions that a surety on the payment bond under s. 255.05

3725 would have been obligated to pay such persons if the payment and  
3726 performance bond had not been waived. The authority shall record  
3727 notice of this obligation in the manner and location that surety  
3728 bonds are recorded. The notice shall include the information  
3729 describing the contract that s. 255.05(1) requires be stated on  
3730 the front page of the bond. Notwithstanding that s. 255.05(9)  
3731 generally applies when a performance and payment bond is  
3732 required, s. 255.05(9) shall apply under this subsection to any  
3733 contract on which performance or payment bonds are waived and  
3734 any claim to payment under this subsection shall be treated as a  
3735 contract claim pursuant to s. 255.05(9).

3736 (e) A small business that has been the successful bidder  
3737 on six projects for which the payment and performance bond was  
3738 waived by the authority pursuant to paragraph (a) shall be  
3739 ineligible to bid on additional projects for which the payment  
3740 and performance bond is to be waived. The local small business  
3741 may continue to participate in other elements of the economic  
3742 development program for local small businesses as long as it is  
3743 eligible.

3744 (f) The authority shall conduct bond eligibility training  
3745 for businesses qualifying for bond waiver under this subsection  
3746 to encourage and promote bond eligibility for such businesses.

3747 (g) The authority shall prepare a biennial report on the  
3748 activities undertaken pursuant to this subsection to be  
3749 submitted to the Orange County legislative delegation. The  
3750 initial report shall be due December 31, 2010.

3751 Section 57. Paragraph (a) of subsection (3) of section  
3752 163.3177, Florida Statutes, is amended to read:

3753           163.3177 Required and optional elements of comprehensive  
3754 plan; studies and surveys.--

3755           (3) (a) The comprehensive plan shall contain a capital  
3756 improvements element designed to consider the need for and the  
3757 location of public facilities in order to encourage the  
3758 efficient utilization of such facilities and set forth:

3759           1. A component which outlines principles for construction,  
3760 extension, or increase in capacity of public facilities, as well  
3761 as a component which outlines principles for correcting existing  
3762 public facility deficiencies, which are necessary to implement  
3763 the comprehensive plan. The components shall cover at least a 5-  
3764 year period.

3765           2. Estimated public facility costs, including a  
3766 delineation of when facilities will be needed, the general  
3767 location of the facilities, and projected revenue sources to  
3768 fund the facilities.

3769           3. Standards to ensure the availability of public  
3770 facilities and the adequacy of those facilities including  
3771 acceptable levels of service.

3772           4. Standards for the management of debt.

3773           5. A schedule of capital improvements which includes  
3774 publicly funded projects, and which may include privately funded  
3775 projects for which the local government has no fiscal  
3776 responsibility, necessary to ensure that adopted level-of-  
3777 service standards are achieved and maintained. For capital  
3778 improvements that will be funded by the developer, financial  
3779 feasibility shall be demonstrated by being guaranteed in an  
3780 enforceable development agreement or interlocal agreement

3781 pursuant to paragraph (10)(h), or other enforceable agreement.  
 3782 These development agreements and interlocal agreements shall be  
 3783 reflected in the schedule of capital improvements if the capital  
 3784 improvement is necessary to serve development within the 5-year  
 3785 schedule. If the local government uses planned revenue sources  
 3786 that require referenda or other actions to secure the revenue  
 3787 source, the plan must, in the event the referenda are not passed  
 3788 or actions do not secure the planned revenue source, identify  
 3789 other existing revenue sources that will be used to fund the  
 3790 capital projects or otherwise amend the plan to ensure financial  
 3791 feasibility.

3792 6. The schedule must include transportation improvements  
 3793 included in the applicable metropolitan planning organization's  
 3794 transportation improvement program adopted pursuant to s.  
 3795 339.175(8)~~(7)~~ to the extent that such improvements are relied  
 3796 upon to ensure concurrency and financial feasibility. The  
 3797 schedule must also be coordinated with the applicable  
 3798 metropolitan planning organization's long-range transportation  
 3799 plan adopted pursuant to s. 339.175(7)~~(6)~~.

3800 Section 58. Section 339.176, Florida Statutes, is amended  
 3801 to read:

3802 339.176 Voting membership for M.P.O. with boundaries  
 3803 including certain counties.--In addition to the voting  
 3804 membership established by s. 339.175(3)~~(2)~~ and notwithstanding  
 3805 any other provision of law to the contrary, the voting  
 3806 membership of any Metropolitan Planning Organization whose  
 3807 geographical boundaries include any county as defined in s.  
 3808 125.011(1) must include an additional voting member appointed by



3809 that city's governing body for each city with a population of  
 3810 50,000 or more residents.

3811 Section 59. Subsection (1) of section 341.828, Florida  
 3812 Statutes, is amended to read:

3813 341.828 Permitting.--

3814 (1) The authority, for the purposes of permitting, may  
 3815 utilize one or more permitting processes provided for in  
 3816 statute, including, but not limited to, the metropolitan  
 3817 planning organization long-range transportation planning process  
 3818 as defined in s. 339.175~~(6)~~ and (7) and (8), in conjunction with  
 3819 the Department of Transportation's work program process as  
 3820 defined in s. 339.135, or any permitting process now in effect  
 3821 or that may be in effect at the time of permitting and will  
 3822 provide the most timely and cost-effective permitting process.

3823 Section 60. Section 2 of chapter 89-383, Laws of Florida,  
 3824 is amended to read:

3825 Section 2. Red Road is hereby designated as a state  
 3826 historic highway. No public funds shall be expended for:

3827 (1) The removal of any healthy tree which is not a safety  
 3828 hazard.

3829 (2) Any alteration of the physical dimensions or location  
 3830 of Red Road, the median strip thereof, the land adjacent  
 3831 thereto, or any part of the original composition of the  
 3832 entranceway, including the towers, the walls, and the lampposts.

3833 (3) Any construction on or along Red Road of any new  
 3834 structure, or any building, clearing, filling, or excavating on  
 3835 or along Red Road except for routine maintenance or alterations,  
 3836 modifications, or improvements to it and the adjacent right-of-

3837 way made for the purpose of enhancing life safety for vehicular  
 3838 or pedestrian use of Red Road if the number of traffic lanes is  
 3839 not altered ~~work which is essential to the health, safety, or~~  
 3840 ~~welfare of the environment.~~

3841 Section 61. Subsection (27) is added to section 479.01,  
 3842 Florida Statutes, to read:

3843 479.01 Definitions.--As used in this chapter, the term:

3844 (27) "Wall mural" means a sign that is a painting or an  
 3845 artistic work composed of photographs or arrangements of color  
 3846 and that displays a commercial or noncommercial message, relies  
 3847 solely on the side of the building for rigid structural support,  
 3848 and is painted on the building or depicted on vinyl, fabric, or  
 3849 other similarly flexible material that is held in place flush or  
 3850 flat against the surface of the building. The term excludes a  
 3851 painting or work placed on a structure that is erected for the  
 3852 sole or primary purpose of signage.

3853 Section 62. Section 479.156, Florida Statutes, is created  
 3854 to read:

3855 479.156 Wall murals.--Notwithstanding any other provision  
 3856 of this chapter, a municipality or county may permit and  
 3857 regulate wall murals within areas designated by such government.  
 3858 If a municipality or county permits wall murals, a wall mural  
 3859 that displays a commercial message and is within 660 feet of the  
 3860 nearest edge of the right-of-way within an area adjacent to the  
 3861 interstate highway system or the federal-aid primary highway  
 3862 system shall be located in an area that is zoned for industrial  
 3863 or commercial use and the municipality or county shall establish  
 3864 and enforce regulations for such areas that, at a minimum, set

3865 forth criteria governing the size, lighting, and spacing of wall  
 3866 murals consistent with the intent of the Highway Beautification  
 3867 Act of 1965 and with customary use. A wall mural that is subject  
 3868 to municipal or county regulation and the Highway Beautification  
 3869 Act of 1965 must be approved by the Department of Transportation  
 3870 and the Federal Highway Administration and may not violate the  
 3871 agreement between the state and the United States Department of  
 3872 Transportation or violate federal regulations enforced by the  
 3873 Department of Transportation under s. 479.02(1). The existence  
 3874 of a wall mural as defined in s. 479.01(27) shall not be  
 3875 considered in determining whether a sign as defined in s.  
 3876 479.01(17), either existing or new, is in compliance with s.  
 3877 479.07(9) (a).

3878 Section 63. Section 316.1951, Florida Statutes, is amended  
 3879 to read:

3880 316.1951 Parking for certain purposes prohibited; sale of  
 3881 motor vehicles; prohibited acts.--

3882 (1) It is unlawful for any person to park a motor vehicle,  
 3883 as defined in s. 320.01, ~~for a continuous period in excess of 24~~  
 3884 ~~hours, after written notice,~~ upon a public street or highway,  
 3885 upon a public parking lot, or other public property, or upon  
 3886 private property where the public has the right to travel by  
 3887 motor vehicle, for the principal purpose and intent of  
 3888 displaying the motor vehicle thereon for sale, hire, or rental  
 3889 unless the sale, hire, or rental of the motor vehicle is  
 3890 specifically authorized on such property by municipal or county  
 3891 regulation ~~and the person is duly licensed as a motor vehicle~~  
 3892 ~~dealer in accordance with s. 320.27,~~ and the person is in

3893 compliance with all municipal or county licensing regulations.

3894 (2) The provisions of subsection (1) do not prohibit a  
 3895 person from parking his or her own motor vehicle or his or her  
 3896 other personal property on any private real property which the  
 3897 person owns or leases or on private real property which the  
 3898 person does not own or lease, but for which he or she obtains  
 3899 the permission of the owner, or on the public street immediately  
 3900 adjacent thereto, for the principal purpose and intent of sale,  
 3901 hire, or rental.

3902 (3) Subsection (1) does not prohibit a licensed motor  
 3903 vehicle dealer from displaying for sale or offering for sale  
 3904 motor vehicles at locations other than the dealer's licensed  
 3905 location if the dealer has been issued a supplemental license  
 3906 for off-premises sales, as provided in s. 320.27(5), and has  
 3907 complied with the requirements in subsection (1). A vehicle  
 3908 displayed for sale by a licensed dealer at any location other  
 3909 than the dealer's licensed location is subject to immediate  
 3910 removal without warning.

3911 (4)~~(3)~~ The Department of Highway Safety and Motor Vehicles  
 3912 shall adopt by rule a uniform written notice to be used to  
 3913 enforce this section. Each law enforcement agency in this state  
 3914 shall provide, at each agency's expense, the notice forms  
 3915 necessary to enforce this section.

3916 (5)~~(4)~~ A law enforcement officer, compliance officer  
 3917 ~~examiner, license inspector,~~ or supervisor of the department may  
 3918 cause to be removed at the owner's expense any motor vehicle  
 3919 ~~found upon a public street, public parking lot, other public~~  
 3920 ~~property, or private property, where the public has the right to~~

3921 ~~travel by motor vehicle, which is~~ in violation of subsection  
 3922 (1), which has been parked in one location for more than 24  
 3923 hours after a written notice has been issued. Every written  
 3924 notice issued pursuant to this section shall be affixed in a  
 3925 conspicuous place upon a vehicle by a law enforcement officer,  
 3926 ~~compliance officer examiner, license inspector,~~ or supervisor of  
 3927 the department. Any vehicle found in violation of subsection (1)  
 3928 within 30 ~~10~~ days after a previous violation and written notice  
 3929 ~~is shall be~~ subject to immediate removal without an additional  
 3930 waiting period.

3931 (6) It is unlawful to offer a vehicle for sale if the  
 3932 vehicle identification number has been destroyed, removed,  
 3933 covered, altered, or defaced, as described in s. 319.33(1)(d). A  
 3934 vehicle found in violation of this subsection is subject to  
 3935 immediate removal without warning.

3936 (7) It is unlawful to knowingly attach to any motor  
 3937 vehicle a registration that was not assigned or lawfully  
 3938 transferred to the vehicle pursuant to s. 320.261. A vehicle  
 3939 found in violation of this subsection is subject to immediate  
 3940 removal without warning.

3941 (8) It is unlawful to display or offer for sale a vehicle  
 3942 that does not have a valid registration as provided in s.  
 3943 320.02. A vehicle found in violation of this subsection is  
 3944 subject to immediate removal without warning. This subsection  
 3945 does not apply to vehicles and recreational vehicles being  
 3946 offered for sale through motor vehicle auctions as defined in s.  
 3947 320.27(1)(c)4.

3948 (9) A vehicle is subject to immediate removal without

3949 warning if it bears a telephone number that has been displayed  
 3950 on three or more vehicles offered for sale within a 12-month  
 3951 period.

3952 ~~(10)(5)~~ Any other provision of law to the contrary  
 3953 notwithstanding, a violation of subsection (1) shall subject the  
 3954 owner of such motor vehicle to towing fees reasonably  
 3955 necessitated by removal and storage of the motor vehicle.

3956 ~~(11)(6)~~ This section does not prohibit the governing body  
 3957 of a municipality or county, with respect to streets, highways,  
 3958 or other property under its jurisdiction, from regulating the  
 3959 parking of motor vehicles for any purpose.

3960 ~~(12)(7)~~ A violation of this section is a noncriminal  
 3961 traffic infraction, punishable as a nonmoving violation as  
 3962 provided in chapter 318, unless otherwise mandated by general  
 3963 law.

3964 Section 64. The Department of Management Services is  
 3965 appropriated spending authority for Fixed Capital Outlay funds  
 3966 up to \$33.5 million to issue bonds for the site development and  
 3967 construction of a First District Court of Appeals facility on a  
 3968 portion of parcel 3 at Capital Circle Office Center. Bond  
 3969 proceeds will be placed in the Public Facilities Financing Trust  
 3970 Fund. The buildings must be constructed using Leadership in  
 3971 Energy and Environmental Design standards for construction.

3972 Section 65. This act shall take effect July 1, 2007.