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CS/CS/HB 985, Engrossed 3

2007 Legislature

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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.;

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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

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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

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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.

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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

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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

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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:

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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

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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

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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,
 557 metropolitan planning organization created pursuant to s.
 558 339.175 or any other separate legal or administrative entity
 559 created pursuant to s. 339.175, or special district of the state
 560 which participates in the system for the benefit of certain of

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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

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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

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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.

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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.--

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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

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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

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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

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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:
1314 1-5 m.p.h.....	Warning
1315 6-9 m.p.h.....	\$25
1316 10-14 m.p.h.....	\$100

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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

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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

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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

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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

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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

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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.

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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.

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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

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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

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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.

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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

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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

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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~~

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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

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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

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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.

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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,

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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

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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

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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.

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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

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construction aggregate materials.

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

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

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

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

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

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

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

337.11 Contracting authority of department; bids;

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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

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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.

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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

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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

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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

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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,

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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.

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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;

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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

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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.

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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

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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~~

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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

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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-

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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,

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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,

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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

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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

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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~~

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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.

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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

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

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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

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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:

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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

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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

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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-

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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

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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

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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~~

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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

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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.