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1  
2 An act relating to the Department of Transportation;  
3 requiring the department to conduct a study of  
4 transportation alternatives for the Interstate 95  
5 corridor; amending s. 20.23, F.S.; providing for the  
6 salary and benefits of the executive director of the  
7 Florida Transportation Commission to be set in accordance  
8 with the Senior Management Service; amending s. 125.42,  
9 F.S.; providing for counties to incur certain costs  
10 related to relocation or removal of certain utility  
11 facilities under specified circumstances; amending s.  
12 163.3177, F.S.; revising requirements for comprehensive  
13 plans; providing a timeframe for submission of certain  
14 information to the state land planning agency; providing  
15 for airports, land adjacent to airports, and certain  
16 interlocal agreements relating thereto in certain elements  
17 of the plan; amending s. 163.3178, F.S.; providing that  
18 certain port-related facilities are not developments of  
19 regional impact under certain circumstances; amending s.  
20 163.3182, F.S., relating to transportation concurrency  
21 backlog authorities; providing legislative findings and  
22 declarations; expanding the power of authorities to borrow  
23 money to include issuing certain debt obligations;  
24 providing a maximum maturity date for certain debt  
25 incurred to finance or refinance certain transportation  
26 concurrency backlog projects; authorizing authorities to  
27 continue operations and administer certain trust funds for  
28 the period of the remaining outstanding debt; requiring  
29 local transportation concurrency backlog trust funds to

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30 | continue to be funded for certain purposes; providing for  
31 | increased ad valorem tax increment funding for such trust  
32 | funds under certain circumstances; revising provisions for  
33 | dissolution of an authority; amending s. 287.055, F.S.;  
34 | conforming a cross-reference; amending s. 316.0741, F.S.;  
35 | redefining the term "hybrid vehicle"; authorizing the  
36 | driving of a hybrid, low-emission, or energy-efficient  
37 | vehicle in a high-occupancy-vehicle lane regardless of  
38 | occupancy; requiring certain vehicles to comply with  
39 | specified federal standards to be driven in an HOV lane  
40 | regardless of occupancy; revising provisions for issuance  
41 | of a decal and certificate; providing for the Department  
42 | of Highway Safety and Motor Vehicles to limit or  
43 | discontinue issuance of decals for the use of HOV  
44 | facilities by hybrid and low-emission and energy-efficient  
45 | vehicles under certain circumstances; directing the  
46 | department to review a specified federal rule and make a  
47 | report to the Legislature; exempting certain vehicles from  
48 | the payment of certain tolls; amending s. 316.193, F.S.;  
49 | revising the prohibition against driving under the  
50 | influence of alcohol; revising the blood-alcohol or  
51 | breath-alcohol level at which certain penalties apply;  
52 | revising requirement for placement of an ignition  
53 | interlock device; amending s. 316.302, F.S.; revising  
54 | references to rules, regulations, and criteria governing  
55 | commercial motor vehicles engaged in intrastate commerce;  
56 | providing that the department performs duties assigned to  
57 | the Field Administrator of the Federal Motor Carrier  
58 | Safety Administration under the federal rules and may

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59 enforce those rules; amending ss. 316.613 and 316.614,  
60 F.S.; revising the definition of "motor vehicle" for  
61 purposes of child restraint and safety belt usage  
62 requirements; amending s. 316.656, F.S.; revising the  
63 prohibition against a judge accepting a plea to a lesser  
64 offense from a person charged under certain DUI  
65 provisions; revising the blood-alcohol or breath-alcohol  
66 level at which the prohibition applies; amending s.  
67 322.64, F.S.; providing that refusal to submit to a  
68 breath, urine, or blood test disqualifies a person from  
69 operating a commercial motor vehicle; providing a period  
70 of disqualification if a person has an unlawful blood-  
71 alcohol or breath-alcohol level; providing for issuance of  
72 a notice of disqualification; revising the requirements  
73 for a formal review hearing following a person's  
74 disqualification from operating a commercial motor  
75 vehicle; providing that a county, municipality, or special  
76 district may not own or operate an asphalt plant or a  
77 portable or stationary concrete batch plant having an  
78 independent mixer; provides exemptions; amending s.  
79 337.0261, F.S.; revising the sunset date for the Strategic  
80 Aggregate Review Task Force; amending s. 337.11, F.S.;  
81 providing for the department to pay a portion of certain  
82 proposal development costs; requiring the department to  
83 advertise certain contracts as design-build contracts;  
84 amending ss. 337.14 and 337.16, F.S.; conforming cross-  
85 references; amending s. 337.18, F.S.; requiring the  
86 contractor to maintain a copy of the required payment and  
87 performance bond at certain locations and provide a copy

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88 upon request; providing that a copy may be obtained  
89 directly from the department; removing a provision  
90 requiring a copy be recorded in the public records of the  
91 county; amending s. 337.185, F.S.; providing for the State  
92 Arbitration Board to arbitrate certain claims relating to  
93 maintenance contracts; providing for a member of the board  
94 to be elected by maintenance companies as well as  
95 construction companies; amending s. 337.403, F.S.;  
96 providing for the department or local governmental entity  
97 to pay certain costs of removal or relocation of a utility  
98 facility that is found to be interfering with the use,  
99 maintenance, improvement, extension, or expansion of a  
100 public road or publicly owned rail corridor under  
101 described circumstances; amending s. 337.408, F.S.;  
102 providing for public pay telephones and advertising  
103 thereon to be installed within the right-of-way limits of  
104 any municipal, county, or state road; amending s. 338.01,  
105 F.S.; requiring new and replacement electronic toll  
106 collection systems to be interoperable with the  
107 department's system; amending s. 338.165, F.S.; providing  
108 that provisions requiring the continuation of tolls  
109 following the discharge of bond indebtedness does not  
110 apply to high-occupancy toll lanes or express lanes;  
111 creating s. 338.166, F.S.; authorizing the department to  
112 request that bonds be issued which are secured by toll  
113 revenues from high-occupancy toll or express lanes in a  
114 specified location; providing for the department to  
115 continue to collect tolls after discharge of indebtedness;  
116 authorizing the use of excess toll revenues for

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117 | improvements to the State Highway System; authorizing the  
118 | implementation of variable rate tolls on high-occupancy  
119 | toll lanes or express lanes; amending s. 338.2216, F.S.;  
120 | directing the Florida Turnpike Enterprise to implement new  
121 | technologies and processes in its operations and  
122 | collection of tolls and other amounts; providing contract  
123 | bid requirements for fuel and food on the turnpike system;  
124 | amending s. 338.223, F.S.; conforming a cross-reference;  
125 | amending s. 338.231, F.S.; revising provisions for  
126 | establishing and collecting tolls; authorizing collection  
127 | of amounts to cover costs of toll collection and payment  
128 | methods; requiring public notice and hearing; amending s.  
129 | 339.12, F.S.; revising requirements for aid and  
130 | contributions by governmental entities for transportation  
131 | projects; revising limits under which the department may  
132 | enter into an agreement with a county for a project or  
133 | project phase not in the adopted work program; authorizing  
134 | the department to enter into certain long-term repayment  
135 | agreements; amending s. 339.135, F.S.; revising certain  
136 | notice provisions that require the Department of  
137 | Transportation to notify local governments regarding  
138 | amendments to an adopted 5-year work program; amending s.  
139 | 339.155, F.S.; revising provisions for development of the  
140 | Florida Transportation Plan; amending s. 339.2816, F.S.,  
141 | relating to the small county road assistance program;  
142 | providing for resumption of certain funding for the  
143 | program; revising the criteria for counties eligible to  
144 | participate in the program; amending ss. 339.2819 and  
145 | 339.285, F.S.; conforming cross-references; repealing part

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146 III of ch. 343 F.S.; abolishing the Tampa Bay Commuter  
147 Transit Authority; amending s. 348.0003, F.S.; providing  
148 for financial disclosure for expressway, transportation,  
149 bridge, and toll authorities; amending s. 348.0004, F.S.;  
150 providing for certain expressway authorities to index toll  
151 rate increases; amending s. 479.01, F.S.; revising  
152 provisions for outdoor advertising; revising the  
153 definition of the term "automatic changeable facing";  
154 amending s. 479.07, F.S.; revising a prohibition against  
155 signs on the State Highway System; revising requirements  
156 for display of the sign permit tag; directing the  
157 department to establish by rule a fee for furnishing a  
158 replacement permit tag; revising the pilot project for  
159 permitted signs to include Hillsborough County and areas  
160 within the boundaries of the City of Miami; amending s.  
161 479.08, F.S.; revising provisions for denial or revocation  
162 of a sign permit; amending s. 479.156, F.S.; modifying  
163 local government control of the regulation of wall murals  
164 adjacent to certain federal highways; amending s. 479.261,  
165 F.S.; revising requirements for the logo sign program of  
166 the interstate highway system; deleting provisions  
167 providing for permits to be awarded to the highest  
168 bidders; requiring the department to implement a rotation-  
169 based logo program; requiring the department to adopt  
170 rules that set reasonable rates based on certain factors  
171 for annual permit fees; requiring that such fees not  
172 exceed a certain amount for sign locations inside and  
173 outside an urban area; creating a business partnership  
174 pilot program; authorizing the Palm Beach County School

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175 District to display names of business partners on district  
176 property in unincorporated areas; exempting the program  
177 from specified provisions; authorizing the expenditure of  
178 public funds for certain alterations of Old Cutler Road in  
179 the Village of Palmetto Bay; requiring the official  
180 approval of the Department of State before any alterations  
181 may begin; amending s. 120.52, F.S.; revising a  
182 definition; directing the Department of Transportation to  
183 establish an approved transportation methodology for  
184 certain purpose; providing requirements; providing  
185 effective dates.

186  
187 Be It Enacted by the Legislature of the State of Florida:  
188

189 Section 1. The Department of Transportation, in  
190 consultation with the Department of Law Enforcement, the Division  
191 of Emergency Management of the Department of Community Affairs,  
192 and the Office of Tourism, Trade, and Economic Development, and  
193 regional planning councils within whose jurisdictional area the  
194 I-95 corridor lies, shall complete a study of transportation  
195 alternatives for the travel corridor parallel to Interstate 95  
196 which takes into account the transportation, emergency  
197 management, homeland security, and economic development needs of  
198 the state. The report must include identification of cost-  
199 effective measures that may be implemented to alleviate  
200 congestion on Interstate 95, facilitate emergency and security  
201 responses, and foster economic development. The Department of  
202 Transportation shall send the report to the Governor, the  
203 President of the Senate, the Speaker of the House of

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204 Representatives, and each affected metropolitan planning  
205 organization by June 30, 2009.

206 Section 2. Paragraph (h) of subsection (2) of section  
207 20.23, Florida Statutes, is amended to read:

208 20.23 Department of Transportation.--There is created a  
209 Department of Transportation which shall be a decentralized  
210 agency.

211 (2)

212 (h) The commission shall appoint an executive director and  
213 assistant executive director, who shall serve under the  
214 direction, supervision, and control of the commission. The  
215 executive director, with the consent of the commission, shall  
216 employ such staff as are necessary to perform adequately the  
217 functions of the commission, within budgetary limitations. All  
218 employees of the commission are exempt from part II of chapter  
219 110 and shall serve at the pleasure of the commission. The salary  
220 and benefits of the executive director shall be set in accordance  
221 with the Senior Management Service. The salaries and benefits of  
222 all other employees of the commission shall be set in accordance  
223 with the Selected Exempt Service; ~~provided, however, that~~ the  
224 commission has ~~shall have~~ complete authority for fixing the  
225 salary of the executive director and assistant executive  
226 director.

227 Section 3. Subsection (5) of section 125.42, Florida  
228 Statutes, is amended to read:

229 125.42 Water, sewage, gas, power, telephone, other utility,  
230 and television lines along county roads and highways.--

231 (5) In the event of widening, repair, or reconstruction of  
232 any such road, the licensee shall move or remove such water,



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233 sewage, gas, power, telephone, and other utility lines and  
234 television lines at no cost to the county except as provided in  
235 s. 337.403(1)(e).

236 Section 4. Paragraphs (a), (h), and (j) of subsection (6)  
237 of section 163.3177, Florida Statutes, are amended to read:

238 163.3177 Required and optional elements of comprehensive  
239 plan; studies and surveys.--

240 (6) In addition to the requirements of subsections (1)-(5)  
241 and (12), the comprehensive plan shall include the following  
242 elements:

243 (a) A future land use plan element designating proposed  
244 future general distribution, location, and extent of the uses of  
245 land for residential uses, commercial uses, industry,  
246 agriculture, recreation, conservation, education, public  
247 buildings and grounds, other public facilities, and other  
248 categories of the public and private uses of land. Counties are  
249 encouraged to designate rural land stewardship areas, pursuant to  
250 the provisions of paragraph (11)(d), as overlays on the future  
251 land use map. Each future land use category must be defined in  
252 terms of uses included, and must include standards to be followed  
253 in the control and distribution of population densities and  
254 building and structure intensities. The proposed distribution,  
255 location, and extent of the various categories of land use shall  
256 be shown on a land use map or map series which shall be  
257 supplemented by goals, policies, and measurable objectives. The  
258 future land use plan shall be based upon surveys, studies, and  
259 data regarding the area, including the amount of land required to  
260 accommodate anticipated growth; the projected population of the  
261 area; the character of undeveloped land; the availability of

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262 | water supplies, public facilities, and services; the need for  
263 | redevelopment, including the renewal of blighted areas and the  
264 | elimination of nonconforming uses which are inconsistent with the  
265 | character of the community; the compatibility of uses on lands  
266 | adjacent to or closely proximate to military installations; lands  
267 | adjacent to an airport as defined in s. 330.35 and consistent  
268 | with provisions in s. 333.02; and, in rural communities, the need  
269 | for job creation, capital investment, and economic development  
270 | that will strengthen and diversify the community's economy. The  
271 | future land use plan may designate areas for future planned  
272 | development use involving combinations of types of uses for which  
273 | special regulations may be necessary to ensure development in  
274 | accord with the principles and standards of the comprehensive  
275 | plan and this act. The future land use plan element shall include  
276 | criteria to be used to achieve the compatibility of adjacent or  
277 | closely proximate lands with military installations; lands  
278 | adjacent to an airport as defined in s. 330.35 and consistent  
279 | with provisions in s. 333.02. In addition, for rural communities,  
280 | the amount of land designated for future planned industrial use  
281 | shall be based upon surveys and studies that reflect the need for  
282 | job creation, capital investment, and the necessity to strengthen  
283 | and diversify the local economies, and shall not be limited  
284 | solely by the projected population of the rural community. The  
285 | future land use plan of a county may also designate areas for  
286 | possible future municipal incorporation. The land use maps or map  
287 | series shall generally identify and depict historic district  
288 | boundaries and shall designate historically significant  
289 | properties meriting protection. For coastal counties, the future  
290 | land use element must include, without limitation, regulatory

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291 incentives and criteria that encourage the preservation of  
292 recreational and commercial working waterfronts as defined in s.  
293 342.07. The future land use element must clearly identify the  
294 land use categories in which public schools are an allowable use.  
295 When delineating the land use categories in which public schools  
296 are an allowable use, a local government shall include in the  
297 categories sufficient land proximate to residential development  
298 to meet the projected needs for schools in coordination with  
299 public school boards and may establish differing criteria for  
300 schools of different type or size. Each local government shall  
301 include lands contiguous to existing school sites, to the maximum  
302 extent possible, within the land use categories in which public  
303 schools are an allowable use. The failure by a local government  
304 to comply with these school siting requirements will result in  
305 the prohibition of the local government's ability to amend the  
306 local comprehensive plan, except for plan amendments described in  
307 s. 163.3187(1)(b), until the school siting requirements are met.  
308 Amendments proposed by a local government for purposes of  
309 identifying the land use categories in which public schools are  
310 an allowable use are exempt from the limitation on the frequency  
311 of plan amendments contained in s. 163.3187. The future land use  
312 element shall include criteria that encourage the location of  
313 schools proximate to urban residential areas to the extent  
314 possible and shall require that the local government seek to  
315 collocate public facilities, such as parks, libraries, and  
316 community centers, with schools to the extent possible and to  
317 encourage the use of elementary schools as focal points for  
318 neighborhoods. For schools serving predominantly rural counties,  
319 defined as a county with a population of 100,000 or fewer, an

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320 agricultural land use category shall be eligible for the location  
321 of public school facilities if the local comprehensive plan  
322 contains school siting criteria and the location is consistent  
323 with such criteria. Local governments required to update or amend  
324 their comprehensive plan to include criteria and address  
325 compatibility of lands adjacent to an airport as defined in s.  
326 330.35 and consistent with provisions in s. 333.02 ~~adjacent or~~  
327 ~~closely proximate lands with existing military installations in~~  
328 their future land use plan element shall transmit the update or  
329 amendment to the state land planning agency ~~department~~ by June  
330 30, 2011 ~~2006~~.

331 (h)1. An intergovernmental coordination element showing  
332 relationships and stating principles and guidelines to be used in  
333 the accomplishment of coordination of the adopted comprehensive  
334 plan with the plans of school boards, regional water supply  
335 authorities, and other units of local government providing  
336 services but not having regulatory authority over the use of  
337 land, with the comprehensive plans of adjacent municipalities,  
338 the county, adjacent counties, or the region, with the state  
339 comprehensive plan and with the applicable regional water supply  
340 plan approved pursuant to s. 373.0361, as the case may require  
341 and as such adopted plans or plans in preparation may exist. This  
342 element of the local comprehensive plan shall demonstrate  
343 consideration of the particular effects of the local plan, when  
344 adopted, upon the development of adjacent municipalities, the  
345 county, adjacent counties, or the region, or upon the state  
346 comprehensive plan, as the case may require.

347 a. The intergovernmental coordination element shall provide  
348 ~~for~~ procedures to identify and implement joint planning areas,

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349 especially for the purpose of annexation, municipal  
350 incorporation, and joint infrastructure service areas.

351 b. The intergovernmental coordination element shall provide  
352 for recognition of campus master plans prepared pursuant to s.  
353 1013.30, and airport master plans pursuant to paragraph (k).

354 c. The intergovernmental coordination element may provide  
355 for a voluntary dispute resolution process as established  
356 pursuant to s. 186.509 for bringing to closure in a timely manner  
357 intergovernmental disputes. A local government may develop and  
358 use an alternative local dispute resolution process for this  
359 purpose.

360 d. The intergovernmental coordination element shall provide  
361 for interlocal agreements, as established pursuant to s.  
362 333.03(1)(b).

363 2. The intergovernmental coordination element shall further  
364 state principles and guidelines to be used in the accomplishment  
365 of coordination of the adopted comprehensive plan with the plans  
366 of school boards and other units of local government providing  
367 facilities and services but not having regulatory authority over  
368 the use of land. In addition, the intergovernmental coordination  
369 element shall describe joint processes for collaborative planning  
370 and decisionmaking on population projections and public school  
371 siting, the location and extension of public facilities subject  
372 to concurrency, and siting facilities with countywide  
373 significance, including locally unwanted land uses whose nature  
374 and identity are established in an agreement. Within 1 year of  
375 adopting their intergovernmental coordination elements, each  
376 county, all the municipalities within that county, the district  
377 school board, and any unit of local government service providers

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378 | in that county shall establish by interlocal or other formal  
379 | agreement executed by all affected entities, the joint processes  
380 | described in this subparagraph consistent with their adopted  
381 | intergovernmental coordination elements.

382 |         3. To foster coordination between special districts and  
383 | local general-purpose governments as local general-purpose  
384 | governments implement local comprehensive plans, each independent  
385 | special district must submit a public facilities report to the  
386 | appropriate local government as required by s. 189.415.

387 |         4.a. Local governments must execute an interlocal agreement  
388 | with the district school board, the county, and nonexempt  
389 | municipalities pursuant to s. 163.31777. The local government  
390 | shall amend the intergovernmental coordination element to provide  
391 | that coordination between the local government and school board  
392 | is pursuant to the agreement and shall state the obligations of  
393 | the local government under the agreement.

394 |         b. Plan amendments that comply with this subparagraph are  
395 | exempt from the provisions of s. 163.3187(1).

396 |         5. The state land planning agency shall establish a  
397 | schedule for phased completion and transmittal of plan amendments  
398 | to implement subparagraphs 1., 2., and 3. from all jurisdictions  
399 | so as to accomplish their adoption by December 31, 1999. A local  
400 | government may complete and transmit its plan amendments to carry  
401 | out these provisions prior to the scheduled date established by  
402 | the state land planning agency. The plan amendments are exempt  
403 | from the provisions of s. 163.3187(1).

404 |         6. By January 1, 2004, any county having a population  
405 | greater than 100,000, and the municipalities and special  
406 | districts within that county, shall submit a report to the

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407 Department of Community Affairs which:

408 a. Identifies all existing or proposed interlocal service  
409 delivery agreements regarding the following: education; sanitary  
410 sewer; public safety; solid waste; drainage; potable water; parks  
411 and recreation; and transportation facilities.

412 b. Identifies any deficits or duplication in the provision  
413 of services within its jurisdiction, whether capital or  
414 operational. Upon request, the Department of Community Affairs  
415 shall provide technical assistance to the local governments in  
416 identifying deficits or duplication.

417 7. Within 6 months after submission of the report, the  
418 Department of Community Affairs shall, through the appropriate  
419 regional planning council, coordinate a meeting of all local  
420 governments within the regional planning area to discuss the  
421 reports and potential strategies to remedy any identified  
422 deficiencies or duplications.

423 8. Each local government shall update its intergovernmental  
424 coordination element based upon the findings in the report  
425 submitted pursuant to subparagraph 6. The report may be used as  
426 supporting data and analysis for the intergovernmental  
427 coordination element.

428 (j) For each unit of local government within an urbanized  
429 area designated for purposes of s. 339.175, a transportation  
430 element, which shall be prepared and adopted in lieu of the  
431 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),  
432 and (d) and which shall address the following issues:

433 1. Traffic circulation, including major thoroughfares and  
434 other routes, including bicycle and pedestrian ways.

435 2. All alternative modes of travel, such as public

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436 transportation, pedestrian, and bicycle travel.

437 3. Parking facilities.

438 4. Aviation, rail, seaport facilities, access to those  
439 facilities, and intermodal terminals.

440 5. The availability of facilities and services to serve  
441 existing land uses and the compatibility between future land use  
442 and transportation elements.

443 6. The capability to evacuate the coastal population prior  
444 to an impending natural disaster.

445 7. Airports, projected airport and aviation development,  
446 and land use compatibility around airports that includes areas  
447 defined in ss. 333.01 and 333.02.

448 8. An identification of land use densities, building  
449 intensities, and transportation management programs to promote  
450 public transportation systems in designated public transportation  
451 corridors so as to encourage population densities sufficient to  
452 support such systems.

453 9. May include transportation corridors, as defined in s.  
454 334.03, intended for future transportation facilities designated  
455 pursuant to s. 337.273. If transportation corridors are  
456 designated, the local government may adopt a transportation  
457 corridor management ordinance.

458 Section 5. Subsection (3) of section 163.3178, Florida  
459 Statutes, is amended to read:

460 163.3178 Coastal management.--

461 (3) Expansions to port harbors, spoil disposal sites,  
462 navigation channels, turning basins, harbor berths, and other  
463 related inwater harbor facilities of ports listed in s.  
464 403.021(9); port transportation facilities and projects listed in



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465 s. 311.07(3)(b); and intermodal transportation facilities  
466 identified pursuant to s. 311.09(3) and facilities determined by  
467 the Department of Community Affairs and applicable general  
468 purpose local government to be port-related industrial or  
469 commercial projects located within 3 miles of or in a port master  
470 plan area which rely upon the utilization of port and intermodal  
471 transportation facilities shall not be developments of regional  
472 impact where such expansions, projects, or facilities are  
473 consistent with comprehensive master plans that are in compliance  
474 with this section.

475 Section 6. Paragraph (c) is added to subsection (2) of  
476 section 163.3182, Florida Statutes, and paragraph (d) of  
477 subsection (3), paragraph (a) of subsection (4), and subsections  
478 (5) and (8) of that section are amended, to read:

479 163.3182 Transportation concurrency backlogs.--

480 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
481 AUTHORITIES.--

482 (c) The Legislature finds and declares that there exists in  
483 many counties and municipalities areas with significant  
484 transportation deficiencies and inadequate transportation  
485 facilities; that many such insufficiencies and inadequacies  
486 severely limit or prohibit the satisfaction of transportation  
487 concurrency standards; that such transportation insufficiencies  
488 and inadequacies affect the health, safety, and welfare of the  
489 residents of such counties and municipalities; that such  
490 transportation insufficiencies and inadequacies adversely affect  
491 economic development and growth of the tax base for the areas in  
492 which such insufficiencies and inadequacies exist; and that the  
493 elimination of transportation deficiencies and inadequacies and

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494 the satisfaction of transportation concurrency standards are  
495 paramount public purposes for the state and its counties and  
496 municipalities.

497 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG  
498 AUTHORITY.--Each transportation concurrency backlog authority has  
499 the powers necessary or convenient to carry out the purposes of  
500 this section, including the following powers in addition to  
501 others granted in this section:

502 (d) To borrow money, including, but not limited to, issuing  
503 debt obligations, such as, but not limited to, bonds, notes,  
504 certificates, and similar debt instruments; to apply for and  
505 accept advances, loans, grants, contributions, and any other  
506 forms of financial assistance from the Federal Government or the  
507 state, county, or any other public body or from any sources,  
508 public or private, for the purposes of this part; to give such  
509 security as may be required; to enter into and carry out  
510 contracts or agreements; and to include in any contracts for  
511 financial assistance with the Federal Government for or with  
512 respect to a transportation concurrency backlog project and  
513 related activities such conditions imposed pursuant to federal  
514 laws as the transportation concurrency backlog authority  
515 considers reasonable and appropriate and which are not  
516 inconsistent with the purposes of this section.

517 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

518 (a) Each transportation concurrency backlog authority shall  
519 adopt a transportation concurrency backlog plan as a part of the  
520 local government comprehensive plan within 6 months after the  
521 creation of the authority. The plan shall:

522 1. Identify all transportation facilities that have been

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523 designated as deficient and require the expenditure of moneys to  
524 upgrade, modify, or mitigate the deficiency.

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

529 3. Establish a schedule for financing and construction of  
530 transportation concurrency backlog projects that will eliminate  
531 transportation concurrency backlogs within the jurisdiction of  
532 the authority within 10 years after the transportation  
533 concurrency backlog plan adoption. The schedule shall be adopted  
534 as part of the local government comprehensive plan.

535 Notwithstanding such schedule requirements, as long as the  
536 schedule provides for the elimination of all transportation  
537 concurrency backlogs within 10 years after the adoption of the  
538 concurrency backlog plan, the final maturity date of any debt  
539 incurred to finance or refinance the related projects may be no  
540 later than 40 years after the date such debt is incurred and the  
541 authority may continue operations and administer the trust fund  
542 established as provided in subsection (5) for as long as such  
543 debt remains outstanding.

544 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation  
545 concurrency backlog authority shall establish a local  
546 transportation concurrency backlog trust fund upon creation of  
547 the authority. Each local trust fund shall be administered by the  
548 transportation concurrency backlog authority within which a  
549 transportation concurrency backlog has been identified. Each  
550 local trust fund shall continue to be funded pursuant to this  
551 section for as long as the projects set forth in the related

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552 transportation concurrency backlog plan remain to be completed or  
553 until any debt incurred to finance or refinance the related  
554 projects are no longer outstanding, whichever occurs later.

555 Beginning in the first fiscal year after the creation of the  
556 authority, each local trust fund shall be funded by the proceeds  
557 of an ad valorem tax increment collected within each  
558 transportation concurrency backlog area to be determined annually  
559 and shall be a minimum of 25 percent of the difference between  
560 the amounts set forth in paragraphs (a) and (b), except that if  
561 all of the affected taxing authorities agree pursuant to an  
562 interlocal agreement, a particular local trust fund may be funded  
563 by the proceeds of an ad valorem tax increment greater than 25  
564 percent of the difference between the amounts set forth in  
565 paragraphs (a) and (b):

566 (a) The amount of ad valorem tax levied each year by each  
567 taxing authority, exclusive of any amount from any debt service  
568 millage, on taxable real property contained within the  
569 jurisdiction of the transportation concurrency backlog authority  
570 and within the transportation backlog area; and

571 (b) The amount of ad valorem taxes which would have been  
572 produced by the rate upon which the tax is levied each year by or  
573 for each taxing authority, exclusive of any debt service millage,  
574 upon the total of the assessed value of the taxable real property  
575 within the transportation concurrency backlog area as shown on  
576 the most recent assessment roll used in connection with the  
577 taxation of such property of each taxing authority prior to the  
578 effective date of the ordinance funding the trust fund.

579 (8) DISSOLUTION.--Upon completion of all transportation  
580 concurrency backlog projects and repayment or defeasance of all

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581 | debt issued to finance or refinance such projects, a  
582 | transportation concurrency backlog authority shall be dissolved,  
583 | and its assets and liabilities shall be transferred to the county  
584 | or municipality within which the authority is located. All  
585 | remaining assets of the authority must be used for implementation  
586 | of transportation projects within the jurisdiction of the  
587 | authority. The local government comprehensive plan shall be  
588 | amended to remove the transportation concurrency backlog plan.

589 |       Section 7. Paragraph (c) of subsection (9) of section  
590 | 287.055, Florida Statutes, is amended to read:

591 |       287.055 Acquisition of professional architectural,  
592 | engineering, landscape architectural, or surveying and mapping  
593 | services; definitions; procedures; contingent fees prohibited;  
594 | penalties.--

595 |       (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

596 |       (c) Except as otherwise provided in s. 337.11 (8) ~~(7)~~, the  
597 | Department of Management Services shall adopt rules for the award  
598 | of design-build contracts to be followed by state agencies. Each  
599 | other agency must adopt rules or ordinances for the award of  
600 | design-build contracts. Municipalities, political subdivisions,  
601 | school districts, and school boards shall award design-build  
602 | contracts by the use of a competitive proposal selection process  
603 | as described in this subsection, or by the use of a  
604 | qualifications-based selection process pursuant to subsections  
605 | (3), (4), and (5) for entering into a contract whereby the  
606 | selected firm will, subsequent to competitive negotiations,  
607 | establish a guaranteed maximum price and guaranteed completion  
608 | date. If the procuring agency elects the option of  
609 | qualifications-based selection, during the selection of the

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610 design-build firm the procuring agency shall employ or retain a  
611 licensed design professional appropriate to the project to serve  
612 as the agency's representative. Procedures for the use of a  
613 competitive proposal selection process must include as a minimum  
614 the following:

615       1. The preparation of a design criteria package for the  
616 design and construction of the public construction project.

617       2. The qualification and selection of no fewer than three  
618 design-build firms as the most qualified, based on the  
619 qualifications, availability, and past work of the firms,  
620 including the partners or members thereof.

621       3. The criteria, procedures, and standards for the  
622 evaluation of design-build contract proposals or bids, based on  
623 price, technical, and design aspects of the public construction  
624 project, weighted for the project.

625       4. The solicitation of competitive proposals, pursuant to a  
626 design criteria package, from those qualified design-build firms  
627 and the evaluation of the responses or bids submitted by those  
628 firms based on the evaluation criteria and procedures established  
629 prior to the solicitation of competitive proposals.

630       5. For consultation with the employed or retained design  
631 criteria professional concerning the evaluation of the responses  
632 or bids submitted by the design-build firms, the supervision or  
633 approval by the agency of the detailed working drawings of the  
634 project; and for evaluation of the compliance of the project  
635 construction with the design criteria package by the design  
636 criteria professional.

637       6. In the case of public emergencies, for the agency head  
638 to declare an emergency and authorize negotiations with the best

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639 | qualified design-build firm available at that time.

640 | Section 8. Section 316.0741, Florida Statutes, is amended  
641 | to read:

642 | 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~  
643 | lanes.--

644 | (1) As used in this section, the term:

645 | (a) "High-occupancy-vehicle ~~High-occupancy vehicle~~ lane" or  
646 | "HOV lane" means a lane of a public roadway designated for use by  
647 | vehicles in which there is more than one occupant unless  
648 | otherwise authorized by federal law.

649 | (b) "Hybrid vehicle" means a motor vehicle:

650 | 1. That draws propulsion energy from onboard sources of  
651 | stored energy which are both an internal combustion or heat  
652 | engine using combustible fuel and a rechargeable energy-storage  
653 | system; and

654 | 2. That, in the case of a passenger automobile or light  
655 | truck, has received a certificate of conformity under the Clean  
656 | Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the  
657 | equivalent qualifying California standards for a low-emission  
658 | vehicle.

659 | (2) The number of persons that must be in a vehicle to  
660 | qualify for legal use of the HOV lane and the hours during which  
661 | the lane will serve as an HOV lane, if it is not designated as  
662 | such on a full-time basis, must also be indicated on a traffic  
663 | control device.

664 | (3) Except as provided in subsection (4), a vehicle may not  
665 | be driven in an HOV lane if the vehicle is occupied by fewer than  
666 | the number of occupants indicated by a traffic control device. A  
667 | driver who violates this section shall be cited for a moving

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668 violation, punishable as provided in chapter 318.

669 (4) (a) Notwithstanding any other provision of this section,  
670 an inherently low-emission vehicle (ILEV) that is certified and  
671 labeled in accordance with federal regulations may be driven in  
672 an HOV lane at any time, regardless of its occupancy. In  
673 addition, upon the state's receipt of written notice from the  
674 proper federal regulatory agency authorizing such use, a vehicle  
675 defined as a hybrid vehicle under this section may be driven in  
676 an HOV lane at any time, regardless of its occupancy.

677 (b) All eligible hybrid and all eligible other low-emission  
678 and energy-efficient vehicles driven in an HOV lane must comply  
679 with the minimum fuel economy standards in 23 U.S.C. s.  
680 166(f) (3) (B).

681 (c) Upon issuance of the applicable Environmental  
682 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),  
683 relating to the eligibility of hybrid and other low-emission and  
684 energy-efficient vehicles for operation in an HOV lane regardless  
685 of occupancy, the Department of Transportation shall review the  
686 rule and recommend to the Legislature any statutory changes  
687 necessary for compliance with the federal rule. The department  
688 shall provide its recommendations no later than 30 days following  
689 issuance of the final rule.

690 (5) The department shall issue a decal and registration  
691 certificate, to be renewed annually, reflecting the HOV lane  
692 designation on ~~such~~ vehicles meeting the criteria in subsection  
693 (4) authorizing driving in an HOV lane at any time ~~such use~~. The  
694 department may charge a fee for a decal, not to exceed the costs  
695 of designing, producing, and distributing each decal, or \$5,  
696 whichever is less. The proceeds from sale of the decals shall be



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697 deposited in the Highway Safety Operating Trust Fund. The  
698 department may, for reasons of operation and management of HOV  
699 facilities, limit or discontinue issuance of decals for the use  
700 of HOV facilities by hybrid and low-emission and energy-efficient  
701 vehicles, regardless of occupancy, if it has been determined by  
702 the Department of Transportation that the facilities are degraded  
703 as defined by 23 U.S.C. s. 166(d) (2).

704 (6) Vehicles having decals by virtue of compliance with the  
705 minimum fuel economy standards under 23 U.S.C. s. 166(f) (3) (B),  
706 and which are registered for use in high-occupancy toll lanes or  
707 express lanes in accordance with Department of Transportation  
708 rule, shall be allowed to use any HOV lanes redesignated as high-  
709 occupancy toll lanes or express lanes without payment of a toll.

710 ~~(5) As used in this section, the term "hybrid vehicle"~~  
711 ~~means a motor vehicle:~~

712 ~~(a) That draws propulsion energy from onboard sources of~~  
713 ~~stored energy which are both:~~

714 ~~1. An internal combustion or heat engine using combustible~~  
715 ~~fuel; and~~

716 ~~2. A rechargeable energy storage system; and~~

717 ~~(b) That, in the case of a passenger automobile or light~~  
718 ~~truck:~~

719 ~~1. Has received a certificate of conformity under the Clean~~  
720 ~~Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

721 ~~2. Meets or exceeds the equivalent qualifying California~~  
722 ~~standards for a low-emission vehicle.~~

723 (7)~~(6)~~ The department may adopt rules necessary to  
724 administer this section.

725 Section 9. Subsection (4) of section 316.193, Florida

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726 Statutes, is amended to read:

727 316.193 Driving under the influence; penalties.--

728 (4) (a) Any person who is convicted of a violation of  
729 subsection (1) and who has a blood-alcohol level or breath-  
730 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
731 convicted of a violation of subsection (1) and who at the time of  
732 the offense was accompanied in the vehicle by a person under the  
733 age of 18 years, shall be punished:

734 ~~1.(a)~~ By a fine of:

735 ~~a.1.~~ Not less than \$500 or more than \$1,000 for a first  
736 conviction.

737 ~~b.2.~~ Not less than \$1,000 or more than \$2,000 for a second  
738 conviction.

739 ~~c.3.~~ Not less than \$2,000 for a third or subsequent  
740 conviction.

741 ~~2.(b)~~ By imprisonment for:

742 ~~a.1.~~ Not more than 9 months for a first conviction.

743 ~~b.2.~~ Not more than 12 months for a second conviction.

744 (b) For the purposes of this subsection, only the instant  
745 offense is required to be a violation of subsection (1) by a  
746 person who has a blood-alcohol level or breath-alcohol level of  
747 0.15 ~~0.20~~ or higher.

748 (c) In addition to the penalties in subparagraphs (a)1. and  
749 2. paragraphs (a) and (b), the court shall order the mandatory  
750 placement, at the convicted person's sole expense, of an ignition  
751 interlock device approved by the department in accordance with s.  
752 316.1938 upon all vehicles that are individually or jointly  
753 leased or owned and routinely operated by the convicted person  
754 for not less than up to 6 continuous months for the first offense

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755 | and for not less than ~~at least~~ 2 continuous years for a second  
756 | offense, when the convicted person qualifies for a permanent or  
757 | restricted license. ~~The installation of such device may not occur~~  
758 | ~~before July 1, 2003.~~

759 |       Section 10. Effective October 1, 2008, paragraph (b) of  
760 | subsection (1) and subsections (6) and (8) of section 316.302,  
761 | Florida Statutes, are amended to read:

762 |       316.302 Commercial motor vehicles; safety regulations;  
763 | transporters and shippers of hazardous materials; enforcement.--

764 |       (1)

765 |       (b) Except as otherwise provided in this section, all  
766 | owners or drivers of commercial motor vehicles that are engaged  
767 | in intrastate commerce are subject to the rules and regulations  
768 | contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
769 | exception of 49 C.F.R. s. 390.5 as it relates to the definition  
770 | of bus, as such rules and regulations existed on October 1, 2007  
771 | ~~2005~~.

772 |       (6) The state Department of Transportation shall perform  
773 | the duties that are assigned to the Field Administrator, Federal  
774 | Motor Carrier Safety Administration ~~Regional Federal Highway~~  
775 | ~~Administrator~~ under the federal rules, and an agent of that  
776 | department, as described in s. 316.545(9), may enforce those  
777 | rules.

778 |       (8) For the purpose of enforcing this section, any law  
779 | enforcement officer of the Department of Transportation or duly  
780 | appointed agent who holds a current safety inspector  
781 | certification from the Commercial Vehicle Safety Alliance may  
782 | require the driver of any commercial vehicle operated on the  
783 | highways of this state to stop and submit to an inspection of the

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784 vehicle or the driver's records. If the vehicle or driver is  
785 found to be operating in an unsafe condition, or if any required  
786 part or equipment is not present or is not in proper repair or  
787 adjustment, and the continued operation would present an unduly  
788 hazardous operating condition, the officer may require the  
789 vehicle or the driver to be removed from service pursuant to the  
790 North American Standard ~~Uniform~~ Out-of-Service Criteria, until  
791 corrected. However, if continuous operation would not present an  
792 unduly hazardous operating condition, the officer may give  
793 written notice requiring correction of the condition within 14  
794 days.

795 (a) Any member of the Florida Highway Patrol or any law  
796 enforcement officer employed by a sheriff's office or municipal  
797 police department authorized to enforce the traffic laws of this  
798 state pursuant to s. 316.640 who has reason to believe that a  
799 vehicle or driver is operating in an unsafe condition may, as  
800 provided in subsection (10), enforce the provisions of this  
801 section.

802 (b) Any person who fails to comply with an officer's  
803 request to submit to an inspection under this subsection commits  
804 a violation of s. 843.02 if the person resists the officer  
805 without violence or a violation of s. 843.01 if the person  
806 resists the officer with violence.

807 Section 11. Subsection (2) of section 316.613, Florida  
808 Statutes, is amended to read:

809 316.613 Child restraint requirements.--

810 (2) As used in this section, the term "motor vehicle" means  
811 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated  
812 on the roadways, streets, and highways of the state. The term

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813 does not include:

814 (a) A school bus as defined in s. 316.003(45).

815 (b) A bus used for the transportation of persons for  
816 compensation, other than a bus regularly used to transport  
817 children to or from school, as defined in s. 316.615(1) (b), or  
818 in conjunction with school activities.

819 (c) A farm tractor or implement of husbandry.

820 (d) A truck having a gross vehicle weight rating of more  
821 than 26,000 ~~of net weight of more than 5,000~~ pounds.

822 (e) A motorcycle, moped, or bicycle.

823 Section 12. Paragraph (a) of subsection (3) of section  
824 316.614, Florida Statutes, is amended to read:

825 316.614 Safety belt usage.--

826 (3) As used in this section:

827 (a) "Motor vehicle" means a motor vehicle as defined in s.  
828 316.003 which ~~that~~ is operated on the roadways, streets, and  
829 highways of this state. The term does not include:

830 1. A school bus.

831 2. A bus used for the transportation of persons for  
832 compensation.

833 3. A farm tractor or implement of husbandry.

834 4. A truck having a gross vehicle weight rating of more  
835 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

836 5. A motorcycle, moped, or bicycle.

837 Section 13. Paragraph (a) of subsection (2) of section  
838 316.656, Florida Statutes, is amended to read:

839 316.656 Mandatory adjudication; prohibition against  
840 accepting plea to lesser included offense.--

841 (2)(a) No trial judge may accept a plea of guilty to a

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842 | lesser offense from a person charged under the provisions of this  
843 | act who has been given a breath or blood test to determine blood  
844 | or breath alcohol content, the results of which show a blood or  
845 | breath alcohol content by weight of 0.15 ~~0.20~~ percent or more.

846 | Section 14. Section 322.64, Florida Statutes, is amended to  
847 | read:

848 | 322.64 Holder of commercial driver's license; persons  
849 | operating a commercial motor vehicle; driving with unlawful  
850 | blood-alcohol level; refusal to submit to breath, urine, or blood  
851 | test.--

852 | (1) (a) A law enforcement officer or correctional officer  
853 | shall, on behalf of the department, disqualify from operating any  
854 | commercial motor vehicle a person who while operating or in  
855 | actual physical control of a commercial motor vehicle is arrested  
856 | for a violation of s. 316.193, relating to unlawful blood-alcohol  
857 | level or breath-alcohol level, or a person who has refused to  
858 | submit to a breath, urine, or blood test authorized by s. 322.63  
859 | arising out of the operation or actual physical control of a  
860 | commercial motor vehicle. A law enforcement officer or  
861 | correctional officer shall, on behalf of the department,  
862 | disqualify the holder of a commercial driver's license from  
863 | operating any commercial motor vehicle if the licenseholder,  
864 | while operating or in actual physical control of a motor vehicle,  
865 | is arrested for a violation of s. 316.193, relating to unlawful  
866 | blood-alcohol level or breath-alcohol level, or refused to submit  
867 | to a breath, urine, or blood test authorized by s. 322.63. Upon  
868 | disqualification of the person, the officer shall take the  
869 | person's driver's license and issue the person a 10-day temporary  
870 | permit for the operation of noncommercial vehicles only if the

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871 | person is otherwise eligible for the driving privilege and shall  
872 | issue the person a notice of disqualification. If the person has  
873 | been given a blood, breath, or urine test, the results of which  
874 | are not available to the officer at the time of the arrest, the  
875 | agency employing the officer shall transmit such results to the  
876 | department within 5 days after receipt of the results. If the  
877 | department then determines that the person ~~was arrested for a~~  
878 | ~~violation of s. 316.193 and that the person~~ had a blood-alcohol  
879 | level or breath-alcohol level of 0.08 or higher, the department  
880 | shall disqualify the person from operating a commercial motor  
881 | vehicle pursuant to subsection (3).

882 |         (b) The disqualification under paragraph (a) shall be  
883 | pursuant to, and the notice of disqualification shall inform the  
884 | driver of, the following:

885 |             1.a. The driver refused to submit to a lawful breath,  
886 | blood, or urine test and he or she is disqualified from operating  
887 | a commercial motor vehicle for a period of 1 year, for a first  
888 | refusal, or permanently, if he or she has previously been  
889 | disqualified as a result of a refusal to submit to such a test;  
890 | or

891 |             b. The driver was driving or in actual physical control of  
892 | a commercial motor vehicle, or any motor vehicle if the driver  
893 | holds a commercial driver's license, had an unlawful blood-  
894 | alcohol level or breath-alcohol level of 0.08 or higher, and his  
895 | or her driving privilege shall be disqualified for a period of 1  
896 | year for a first offense or permanently disqualified if his or  
897 | her driving privilege has been previously disqualified under this  
898 | section. ~~violated s. 316.193 by driving with an unlawful blood-~~  
899 | ~~alcohol level and he or she is disqualified from operating a~~

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900 ~~commercial motor vehicle for a period of 6 months for a first~~  
901 ~~offense or for a period of 1 year if he or she has previously~~  
902 ~~been disqualified, or his or her driving privilege has been~~  
903 ~~previously suspended, for a violation of s. 316.193.~~

904 2. The disqualification period for operating commercial  
905 vehicles shall commence on the date of ~~arrest or~~ issuance of the  
906 notice of disqualification, ~~whichever is later.~~

907 3. The driver may request a formal or informal review of  
908 the disqualification by the department within 10 days after the  
909 date of ~~arrest or~~ issuance of the notice of disqualification,  
910 ~~whichever is later.~~

911 4. The temporary permit issued at the time of ~~arrest or~~  
912 disqualification expires ~~will expire~~ at midnight of the 10th day  
913 following the date of disqualification.

914 5. The driver may submit to the department any materials  
915 relevant to the disqualification ~~arrest.~~

916 (2) Except as provided in paragraph (1)(a), the law  
917 enforcement officer shall forward to the department, within 5  
918 days after the date of the ~~arrest or the~~ issuance of the notice  
919 of disqualification, ~~whichever is later,~~ a copy of the notice of  
920 disqualification, the driver's license of the person disqualified  
921 ~~arrested,~~ and a ~~report of the arrest, including, if applicable,~~  
922 an affidavit stating the officer's grounds for belief that the  
923 person disqualified ~~arrested~~ was operating or in actual physical  
924 control of a commercial motor vehicle, or holds a commercial  
925 driver's license, and had an unlawful blood-alcohol or breath-  
926 alcohol level ~~in violation of s. 316.193;~~ the results of any  
927 breath or blood or urine test or an affidavit stating that a  
928 breath, blood, or urine test was requested by a law enforcement



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929 officer or correctional officer and that the person arrested  
930 refused to submit; a copy of the notice of disqualification  
931 ~~citation~~ issued to the person ~~arrested~~; and the officer's  
932 description of the person's field sobriety test, if any. The  
933 failure of the officer to submit materials within the 5-day  
934 period specified in this subsection or subsection (1) does ~~shall~~  
935 not affect the department's ability to consider any evidence  
936 submitted at or prior to the hearing. The officer may also submit  
937 a copy of a videotape of the field sobriety test or the attempt  
938 to administer such test and a copy of the crash report, if any.

939 (3) If the department determines that the person arrested  
940 should be disqualified from operating a commercial motor vehicle  
941 pursuant to this section and if the notice of disqualification  
942 has not already been served upon the person by a law enforcement  
943 officer or correctional officer as provided in subsection (1),  
944 the department shall issue a notice of disqualification and,  
945 unless the notice is mailed pursuant to s. 322.251, a temporary  
946 permit which expires 10 days after the date of issuance if the  
947 driver is otherwise eligible.

948 (4) If the person disqualified ~~arrested~~ requests an  
949 informal review pursuant to subparagraph (1)(b)3., the department  
950 shall conduct the informal review by a hearing officer employed  
951 by the department. Such informal review hearing shall consist  
952 solely of an examination by the department of the materials  
953 submitted by a law enforcement officer or correctional officer  
954 and by the person disqualified ~~arrested~~, and the presence of an  
955 officer or witness is not required.

956 (5) After completion of the informal review, notice of the  
957 department's decision sustaining, amending, or invalidating the

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958 disqualification must be provided to the person. Such notice must  
959 be mailed to the person at the last known address shown on the  
960 department's records, and to the address provided in the law  
961 enforcement officer's report if such address differs from the  
962 address of record, within 21 days after the expiration of the  
963 temporary permit issued pursuant to subsection (1) or subsection  
964 (3).

965 (6) (a) If the person disqualified ~~arrested~~ requests a  
966 formal review, the department must schedule a hearing to be held  
967 within 30 days after such request is received by the department  
968 and must notify the person of the date, time, and place of the  
969 hearing.

970 (b) Such formal review hearing shall be held before a  
971 hearing officer employed by the department, and the hearing  
972 officer shall be authorized to administer oaths, examine  
973 witnesses and take testimony, receive relevant evidence, issue  
974 subpoenas for the officers and witnesses identified in documents  
975 as provided in subsection (2), regulate the course and conduct of  
976 the hearing, and make a ruling on the disqualification. The  
977 department and the person disqualified ~~arrested~~ may subpoena  
978 witnesses, and the party requesting the presence of a witness  
979 shall be responsible for the payment of any witness fees. If the  
980 person who requests a formal review hearing fails to appear and  
981 the hearing officer finds such failure to be without just cause,  
982 the right to a formal hearing is waived ~~and the department shall~~  
983 ~~conduct an informal review of the disqualification under~~  
984 ~~subsection (4)~~.

985 (c) A party may seek enforcement of a subpoena under  
986 paragraph (b) by filing a petition for enforcement in the circuit

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987 | court of the judicial circuit in which the person failing to  
988 | comply with the subpoena resides. A failure to comply with an  
989 | order of the court shall result in a finding of contempt of  
990 | court. However, a person shall not be in contempt while a  
991 | subpoena is being challenged.

992 |         (d) The department must, within 7 days after a formal  
993 | review hearing, send notice to the person of the hearing  
994 | officer's decision as to whether sufficient cause exists to  
995 | sustain, amend, or invalidate the disqualification.

996 |         (7) In a formal review hearing under subsection (6) or an  
997 | informal review hearing under subsection (4), the hearing officer  
998 | shall determine by a preponderance of the evidence whether  
999 | sufficient cause exists to sustain, amend, or invalidate the  
1000 | disqualification. The scope of the review shall be limited to the  
1001 | following issues:

1002 |         (a) If the person was disqualified from operating a  
1003 | commercial motor vehicle for driving with an unlawful blood-  
1004 | alcohol level ~~in violation of s. 316.193:~~

1005 |             1. Whether the arresting law enforcement officer had  
1006 | probable cause to believe that the person was driving or in  
1007 | actual physical control of a commercial motor vehicle, or any  
1008 | motor vehicle if the driver holds a commercial driver's license,  
1009 | in this state while he or she had any alcohol, chemical  
1010 | substances, or controlled substances in his or her body.

1011 |             ~~2. Whether the person was placed under lawful arrest for a~~  
1012 | ~~violation of s. 316.193.~~

1013 |             ~~2.3.~~ Whether the person had an unlawful blood-alcohol level  
1014 | or breath-alcohol level of 0.08 or higher ~~as provided in s.~~  
1015 | ~~316.193.~~

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1016 (b) If the person was disqualified from operating a  
1017 commercial motor vehicle for refusal to submit to a breath,  
1018 blood, or urine test:

1019 1. Whether the law enforcement officer had probable cause  
1020 to believe that the person was driving or in actual physical  
1021 control of a commercial motor vehicle, or any motor vehicle if  
1022 the driver holds a commercial driver's license, in this state  
1023 while he or she had any alcohol, chemical substances, or  
1024 controlled substances in his or her body.

1025 2. Whether the person refused to submit to the test after  
1026 being requested to do so by a law enforcement officer or  
1027 correctional officer.

1028 3. Whether the person was told that if he or she refused to  
1029 submit to such test he or she would be disqualified from  
1030 operating a commercial motor vehicle for a period of 1 year or,  
1031 in the case of a second refusal, permanently.

1032 (8) Based on the determination of the hearing officer  
1033 pursuant to subsection (7) for both informal hearings under  
1034 subsection (4) and formal hearings under subsection (6), the  
1035 department shall:

1036 (a) Sustain the disqualification for a period of 1 year for  
1037 a first refusal, or permanently if such person has been  
1038 previously disqualified from operating a commercial motor vehicle  
1039 as a result of a refusal to submit to such tests. The  
1040 disqualification period commences on the date of the arrest or  
1041 issuance of the notice of disqualification, whichever is later.

1042 (b) Sustain the disqualification:

1043 1. For a period of 1 year if the person was driving or in  
1044 actual physical control of a commercial motor vehicle, or any

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1045 motor vehicle if the driver holds a commercial driver's license,  
1046 and had an unlawful blood-alcohol level or breath-alcohol level  
1047 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~  
1048 for a period of 1 year

1049 2. Permanently if the person has been previously  
1050 disqualified from operating a commercial motor vehicle or his or  
1051 her driving privilege has been previously suspended for driving  
1052 or being in actual physical control of a commercial motor  
1053 vehicle, or any motor vehicle if the driver holds a commercial  
1054 driver's license, and had an unlawful blood-alcohol level or  
1055 breath-alcohol level of 0.08 or higher ~~as a result of a violation~~  
1056 ~~of s. 316.193.~~

1057  
1058 The disqualification period commences on the date of the arrest  
1059 or issuance of the notice of disqualification, ~~whichever is~~  
1060 ~~later.~~

1061 (9) A request for a formal review hearing or an informal  
1062 review hearing shall not stay the disqualification. If the  
1063 department fails to schedule the formal review hearing to be held  
1064 within 30 days after receipt of the request therefor, the  
1065 department shall invalidate the disqualification. If the  
1066 scheduled hearing is continued at the department's initiative,  
1067 the department shall issue a temporary driving permit limited to  
1068 noncommercial vehicles which is ~~shall be~~ valid until the hearing  
1069 is conducted if the person is otherwise eligible for the driving  
1070 privilege. Such permit shall not be issued to a person who sought  
1071 and obtained a continuance of the hearing. The permit issued  
1072 under this subsection shall authorize driving for business  
1073 purposes ~~or employment use~~ only.

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1074           (10) A person who is disqualified from operating a  
1075 commercial motor vehicle under subsection (1) or subsection (3)  
1076 is eligible for issuance of a license for business or employment  
1077 purposes only under s. 322.271 if the person is otherwise  
1078 eligible for the driving privilege. However, such business or  
1079 employment purposes license shall not authorize the driver to  
1080 operate a commercial motor vehicle.

1081           (11) The formal review hearing may be conducted upon a  
1082 review of the reports of a law enforcement officer or a  
1083 correctional officer, including documents relating to the  
1084 administration of a breath test or blood test or the refusal to  
1085 take either test. However, as provided in subsection (6), the  
1086 driver may subpoena the officer or any person who administered or  
1087 analyzed a breath or blood test.

1088           (12) The formal review hearing and the informal review  
1089 hearing are exempt from the provisions of chapter 120. The  
1090 department is authorized to adopt rules for the conduct of  
1091 reviews under this section.

1092           (13) A person may appeal any decision of the department  
1093 sustaining the disqualification from operating a commercial motor  
1094 vehicle by a petition for writ of certiorari to the circuit court  
1095 in the county wherein such person resides or wherein a formal or  
1096 informal review was conducted pursuant to s. 322.31. However, an  
1097 appeal shall not stay the disqualification. This subsection shall  
1098 not be construed to provide for a de novo appeal.

1099           (14) The decision of the department under this section  
1100 shall not be considered in any trial for a violation of s.  
1101 316.193, s. 322.61, or s. 322.62, nor shall any written statement  
1102 submitted by a person in his or her request for departmental

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1103 | review under this section be admissible into evidence against him  
1104 | or her in any such trial. The disposition of any related criminal  
1105 | proceedings shall not affect a disqualification imposed pursuant  
1106 | to this section.

1107 |         (15) This section does not preclude the suspension of the  
1108 | driving privilege pursuant to s. 322.2615. The driving privilege  
1109 | of a person who has been disqualified from operating a commercial  
1110 | motor vehicle also may be suspended for a violation of s.  
1111 | 316.193.

1112 |         Section 15. Notwithstanding any law to the contrary, a  
1113 | county, municipality, or special district may not own or operate  
1114 | an asphalt plant or a portable or stationary concrete batch plant  
1115 | having an independent mixer; however, this prohibition does not  
1116 | apply to any county that owns or is under contract to purchase an  
1117 | asphalt plant as of April 15, 2008, and that furnishes its plant-  
1118 | generated asphalt solely for use by local governments or  
1119 | company's under contract with local governments for projects  
1120 | within the boundaries of such county. Sale of plant generated  
1121 | asphalt to private entities or local governments outside the  
1122 | boundaries of such county is prohibited.

1123 |         Section 16. Paragraph (g) of subsection (5) of section  
1124 | 337.0261, Florida Statutes, is amended to read:

1125 |         337.0261 Construction aggregate materials.--

1126 |         (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1127 |         (g) The task force shall be dissolved on June 30, 2009 ~~July~~  
1128 | ~~1, 2008~~.

1129 |         Section 17. Subsection (7) of section 337.11, Florida  
1130 | Statutes, is amended to read:

1131 |         337.11 Contracting authority of department; bids; emergency

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1132 repairs, supplemental agreements, and change orders; combined  
1133 design and construction contracts; progress payments; records;  
1134 requirements of vehicle registration.--

1135 (7) If the department determines that it is in the best  
1136 interest of the public, the department may pay a stipend to  
1137 unsuccessful firms who have submitted responsive proposals for  
1138 construction or maintenance contracts. The decision and amount of  
1139 a stipend will be based upon department analysis of the estimated  
1140 proposal development costs and the anticipated degree of  
1141 competition during the procurement process. Stipends shall be  
1142 used to encourage competition and compensate unsuccessful firms  
1143 for a portion of their proposal development costs. The department  
1144 shall retain the right to use ideas from unsuccessful firms that  
1145 accept a stipend.

1146 (8)(7)-(a) If the head of the department determines that it  
1147 is in the best interests of the public, the department may  
1148 combine the design and construction phases of a building, a major  
1149 bridge, a limited access facility, or a rail corridor project  
1150 into a single contract. Such contract is referred to as a design-  
1151 build contract. The department's goal shall be to procure up to  
1152 25 percent of the construction contracts which add capacity in  
1153 the 5-year adopted work program as design-build contracts by July  
1154 1, 2013. Design-build contracts may be advertised and awarded  
1155 notwithstanding the requirements of paragraph (3)(c). However,  
1156 construction activities may not begin on any portion of such  
1157 projects for which the department has not yet obtained title to  
1158 the necessary rights-of-way and easements for the construction of  
1159 that portion of the project has vested in the state or a local  
1160 governmental entity and all railroad crossing and utility



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1161 | agreements have been executed. Title to rights-of-way shall be  
1162 | deemed to have vested in the state when the title has been  
1163 | dedicated to the public or acquired by prescription.

1164 |       (b) The department shall adopt by rule procedures for  
1165 | administering design-build contracts. Such procedures shall  
1166 | include, but not be limited to:

- 1167 |       1. Prequalification requirements.
- 1168 |       2. Public announcement procedures.
- 1169 |       3. Scope of service requirements.
- 1170 |       4. Letters of interest requirements.
- 1171 |       5. Short-listing criteria and procedures.
- 1172 |       6. Bid proposal requirements.
- 1173 |       7. Technical review committee.
- 1174 |       8. Selection and award processes.
- 1175 |       9. Stipend requirements.

1176 |       Section 18. Subsection (7) of section 337.14, Florida  
1177 | Statutes, is amended to read:

1178 |       337.14 Application for qualification; certificate of  
1179 | qualification; restrictions; request for hearing.--

1180 |       (7) No "contractor" as defined in s. 337.165(1) (d) or his  
1181 | or her "affiliate" as defined in s. 337.165(1) (a) qualified with  
1182 | the department under this section may also qualify under s.  
1183 | 287.055 or s. 337.105 to provide testing services, construction,  
1184 | engineering, and inspection services to the department. This  
1185 | limitation shall not apply to any design-build prequalification  
1186 | under s. 337.11 (8) ~~(7)~~.

1187 |       Section 19. Paragraph (a) of subsection (2) of section  
1188 | 337.16, Florida Statutes, is amended to read:

1189 |       337.16 Disqualification of delinquent contractors from

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1190 bidding; determination of contractor nonresponsibility; denial,  
1191 suspension, and revocation of certificates of qualification;  
1192 grounds; hearing.--

1193 (2) For reasons other than delinquency in progress, the  
1194 department, for good cause, may determine any contractor not  
1195 having a certificate of qualification nonresponsible for a  
1196 specified period of time or may deny, suspend, or revoke any  
1197 certificate of qualification. Good cause includes, but is not  
1198 limited to, circumstances in which a contractor or the  
1199 contractor's official representative:

1200 (a) Makes or submits to the department false, deceptive, or  
1201 fraudulent statements or materials in any bid proposal to the  
1202 department, any application for a certificate of qualification,  
1203 any certification of payment pursuant to s. 337.11(11)~~(10)~~, or  
1204 any administrative or judicial proceeding;

1205 Section 20. Paragraph (b) of subsection (1) of section  
1206 337.18 is amended to read:

1207 337.18 Surety bonds for construction or maintenance  
1208 contracts; requirement with respect to contract award; bond  
1209 requirements; defaults; damage assessments.--

1210 (1)

1211 (b) Prior to beginning any work under the contract, the  
1212 contractor shall maintain a copy of the payment and performance  
1213 bond required under this section at its principal place of  
1214 business and at the jobsite office, if one is established, and  
1215 the contractor shall provide a copy of the payment and  
1216 performance bond within 5 days after receipt of any written  
1217 request therefor. A copy of the payment and performance bond  
1218 required under this section may also be obtained directly from

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1219 | the department via a request made pursuant to chapter 119. ~~Upon~~  
1220 | ~~execution of the contract, and prior to beginning any work under~~  
1221 | ~~the contract, the contractor shall record in the public records~~  
1222 | ~~of the county where the improvement is located the payment and~~  
1223 | ~~performance bond required under this section.~~ A claimant shall  
1224 | have a right of action against the contractor and surety for the  
1225 | amount due him or her, including unpaid finance charges due under  
1226 | the claimant's contract. Such action shall not involve the  
1227 | department in any expense.

1228 |       Section 21. Subsections (1), (2), and (7) of section  
1229 | 337.185, Florida Statutes, are amended to read:

1230 |       337.185 State Arbitration Board.--

1231 |       (1) To facilitate the prompt settlement of claims for  
1232 | additional compensation arising out of construction and  
1233 | maintenance contracts between the department and the various  
1234 | contractors with whom it transacts business, the Legislature does  
1235 | hereby establish the State Arbitration Board, referred to in this  
1236 | section as the "board." For the purpose of this section, "claim"  
1237 | shall mean the aggregate of all outstanding claims by a party  
1238 | arising out of a construction or maintenance contract. Every  
1239 | contractual claim in an amount up to \$250,000 per contract or, at  
1240 | the claimant's option, up to \$500,000 per contract or, upon  
1241 | agreement of the parties, up to \$1 million per contract that  
1242 | cannot be resolved by negotiation between the department and the  
1243 | contractor shall be arbitrated by the board after acceptance of  
1244 | the project by the department. As an exception, either party to  
1245 | the dispute may request that the claim be submitted to binding  
1246 | private arbitration. A court of law may not consider the  
1247 | settlement of such a claim until the process established by this

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1248 section has been exhausted.

1249 (2) The board shall be composed of three members. One  
1250 member shall be appointed by the head of the department, and one  
1251 member shall be elected by those construction or maintenance  
1252 companies who are under contract with the department. The third  
1253 member shall be chosen by agreement of the other two members.  
1254 Whenever the third member has a conflict of interest regarding  
1255 affiliation with one of the parties, the other two members shall  
1256 select an alternate member for that hearing. The head of the  
1257 department may select an alternative or substitute to serve as  
1258 the department member for any hearing or term. Each member shall  
1259 serve a 2-year term. The board shall elect a chair, each term,  
1260 who shall be the administrator of the board and custodian of its  
1261 records.

1262 (7) The members of the board may receive compensation for  
1263 the performance of their duties hereunder, from administrative  
1264 fees received by the board, except that no employee of the  
1265 department may receive compensation from the board. The  
1266 compensation amount shall be determined by the board, but shall  
1267 not exceed \$125 per hour, up to a maximum of \$1,000 per day for  
1268 each member authorized to receive compensation. Nothing in this  
1269 section shall prevent the member elected by construction or  
1270 maintenance companies from being an employee of an association  
1271 affiliated with the industry, even if the sole responsibility of  
1272 that member is service on the board. Travel expenses for the  
1273 industry member may be paid by an industry association, if  
1274 necessary. The board may allocate funds annually for clerical and  
1275 other administrative services.

1276 Section 22. Subsection (1) of section 337.403, Florida

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1277 Statutes, is amended to read:

1278 337.403 Relocation of utility; expenses.--

1279 (1) Any utility heretofore or hereafter placed upon, under,  
1280 over, or along any public road or publicly owned rail corridor  
1281 that is found by the authority to be unreasonably interfering in  
1282 any way with the convenient, safe, or continuous use, or the  
1283 maintenance, improvement, extension, or expansion, of such public  
1284 road or publicly owned rail corridor shall, upon 30 days' written  
1285 notice to the utility or its agent by the authority, be removed  
1286 or relocated by such utility at its own expense except as  
1287 provided in paragraphs (a)-(f) ~~(a), (b), and (c)~~.

1288 (a) If the relocation of utility facilities, as referred to  
1289 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627  
1290 of the 84th Congress, is necessitated by the construction of a  
1291 project on the federal-aid interstate system, including  
1292 extensions thereof within urban areas, and the cost of such  
1293 project is eligible and approved for reimbursement by the Federal  
1294 Government to the extent of 90 percent or more under the Federal  
1295 Aid Highway Act, or any amendment thereof, then in that event the  
1296 utility owning or operating such facilities shall relocate such  
1297 facilities upon order of the department, and the state shall pay  
1298 the entire expense properly attributable to such relocation after  
1299 deducting therefrom any increase in the value of the new facility  
1300 and any salvage value derived from the old facility.

1301 (b) When a joint agreement between the department and the  
1302 utility is executed for utility improvement, relocation, or  
1303 removal work to be accomplished as part of a contract for  
1304 construction of a transportation facility, the department may  
1305 participate in those utility improvement, relocation, or removal

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1306 costs that exceed the department's official estimate of the cost  
1307 of such work by more than 10 percent. The amount of such  
1308 participation shall be limited to the difference between the  
1309 official estimate of all the work in the joint agreement plus 10  
1310 percent and the amount awarded for this work in the construction  
1311 contract for such work. The department may not participate in any  
1312 utility improvement, relocation, or removal costs that occur as a  
1313 result of changes or additions during the course of the contract.

1314 (c) When an agreement between the department and utility is  
1315 executed for utility improvement, relocation, or removal work to  
1316 be accomplished in advance of a contract for construction of a  
1317 transportation facility, the department may participate in the  
1318 cost of clearing and grubbing necessary to perform such work.

1319 (d) If the utility facility being removed or relocated was  
1320 initially installed to exclusively serve the department, its  
1321 tenants, or both the department and its tenants, the department  
1322 shall bear the costs of removal or relocation of that utility  
1323 facility. The department shall not be responsible, however, for  
1324 bearing the cost of removal or relocation of any subsequent  
1325 additions to that facility for the purpose of serving others.

1326 (e) If, pursuant to an agreement between a utility and the  
1327 authority entered into after the effective date of this  
1328 subsection, the utility conveys, subordinates, or relinquishes a  
1329 compensable property right to the authority for the purpose of  
1330 accommodating the acquisition or use of the right-of-way by the  
1331 authority, without the agreement expressly addressing future  
1332 responsibility for cost of removal or relocation of the utility,  
1333 then the authority shall bear the cost of such removal or  
1334 relocation. Nothing in this paragraph is intended to impair or

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1335 restrict, or be used to interpret, the terms of any such  
1336 agreement entered into prior to the effective date of this  
1337 paragraph.

1338 (f) If the utility is an electric facility being relocated  
1339 underground in order to enhance vehicular, bicycle, and  
1340 pedestrian safety and in which ownership of the electric facility  
1341 to be placed underground has been transferred from a private to a  
1342 public utility within the past 5 years, the department shall  
1343 incur all costs of the relocation.

1344 Section 23. Subsections (4) and (5) of section 337.408,  
1345 Florida Statutes, are amended, subsection (7) is renumbered as  
1346 subsection (8), and a new subsection (7) is added to that  
1347 section, to read:

1348 337.408 Regulation of benches, transit shelters, street  
1349 light poles, waste disposal receptacles, and modular news racks  
1350 within rights-of-way.--

1351 (4) The department has the authority to direct the  
1352 immediate relocation or removal of any bench, transit shelter,  
1353 waste disposal receptacle, public pay telephone, or modular news  
1354 rack which endangers life or property, except that transit bus  
1355 benches which have been placed in service prior to April 1, 1992,  
1356 are not required to comply with bench size and advertising  
1357 display size requirements which have been established by the  
1358 department prior to March 1, 1992. Any transit bus bench that was  
1359 in service prior to April 1, 1992, may be replaced with a bus  
1360 bench of the same size or smaller, if the bench is damaged or  
1361 destroyed or otherwise becomes unusable. The department is  
1362 authorized to adopt rules relating to the regulation of bench  
1363 size and advertising display size requirements. If a municipality

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1364 or county within which a bench is to be located has adopted an  
1365 ordinance or other applicable regulation that establishes bench  
1366 size or advertising display sign requirements different from  
1367 requirements specified in department rule, the local government  
1368 requirement shall be applicable within the respective  
1369 municipality or county. Placement of any bench or advertising  
1370 display on the National Highway System under a local ordinance or  
1371 regulation adopted pursuant to this subsection shall be subject  
1372 to approval of the Federal Highway Administration.

1373 (5) No bench, transit shelter, waste disposal receptacle,  
1374 public pay telephone, or modular news rack, or advertising  
1375 thereon, shall be erected or so placed on the right-of-way of any  
1376 road which conflicts with the requirements of federal law,  
1377 regulations, or safety standards, thereby causing the state or  
1378 any political subdivision the loss of federal funds. Competition  
1379 among persons seeking to provide bench, transit shelter, waste  
1380 disposal receptacle, or modular news rack services or advertising  
1381 on such benches, shelters, receptacles, or news racks may be  
1382 regulated, restricted, or denied by the appropriate local  
1383 government entity consistent with the provisions of this section.

1384 (7) Public pay telephones, including advertising displayed  
1385 thereon, may be installed within the right-of-way limits of any  
1386 municipal, county, or state road, except on a limited access  
1387 highway, provided that such pay telephones are installed by a  
1388 provider duly authorized and regulated by the Public Service  
1389 Commission pursuant to s. 364.3375, that such pay telephones are  
1390 operated in accordance with all applicable state and federal  
1391 telecommunications regulations, and that written authorization  
1392 has been given to a public pay telephone provider by the



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1393 appropriate municipal or county government. Each advertisement  
1394 shall be limited to a size no greater than 8 square feet and no  
1395 public pay telephone booth shall display more than 3 such  
1396 advertisements at any given time. No advertisements shall be  
1397 allowed on public pay telephones located in rest areas, welcome  
1398 centers, and other such facilities located on an interstate  
1399 highway.

1400 Section 24. Subsection (6) is added to section 338.01,  
1401 Florida Statutes, to read:

1402 338.01 Authority to establish and regulate limited access  
1403 facilities.--

1404 (6) All new limited access facilities and existing  
1405 transportation facilities on which new or replacement electronic  
1406 toll collection systems are installed shall be interoperable with  
1407 the department's electronic toll collection system.

1408 Section 25. Present subsections (7) and (8) of section  
1409 338.165, Florida Statutes, are redesignated as subsections (8)  
1410 and (9), respectively, and a new subsection (7) is added to that  
1411 section, to read:

1412 338.165 Continuation of tolls.--

1413 (7) This section does not apply to high-occupancy toll  
1414 lanes or express lanes.

1415 Section 26. Section 338.166, Florida Statutes, is created  
1416 to read:

1417 338.166 High-occupancy toll lanes or express lanes.--

1418 (1) Under s. 11, Art. VII of the State Constitution, the  
1419 department may request the Division of Bond Finance to issue  
1420 bonds secured by toll revenues collected on high-occupancy toll  
1421 lanes or express lanes located on Interstate 95 in Miami-Dade and

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1422 Broward Counties.

1423 (2) The department may continue to collect the toll on the  
1424 high-occupancy toll lanes or express lanes after the discharge of  
1425 any bond indebtedness related to such project. All tolls so  
1426 collected shall first be used to pay the annual cost of the  
1427 operation, maintenance, and improvement of the high-occupancy  
1428 toll lanes or express lanes project or associated transportation  
1429 system.

1430 (3) Any remaining toll revenue from the high-occupancy toll  
1431 lanes or express lanes shall be used by the department for the  
1432 construction, maintenance, or improvement of any road on the  
1433 State Highway System.

1434 (4) The department is authorized to implement variable rate  
1435 tolls on high-occupancy toll lanes or express lanes.

1436 (5) Except for high-occupancy toll lanes or express lanes,  
1437 tolls may not be charged for use of an interstate highway where  
1438 tolls were not charged as of July 1, 1997.

1439 (6) This section does not apply to the turnpike system as  
1440 defined under the Florida Turnpike Enterprise Law.

1441 Section 27. Paragraphs (d) and (e) are added to subsection  
1442 (1) of section 338.2216, Florida Statutes, to read:

1443 338.2216 Florida Turnpike Enterprise; powers and  
1444 authority.--

1445 (1)

1446 (d) The Florida Turnpike Enterprise is directed to pursue  
1447 and implement new technologies and processes in its operations  
1448 and collection of tolls and the collection of other amounts  
1449 associated with road and infrastructure usage. Such technologies  
1450 and processes shall include, without limitation, video billing

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1451 | and variable pricing.

1452 |       (e)1. The Florida Turnpike Enterprise shall not under any  
1453 | circumstances contract with any vendor for the retail sale of  
1454 | fuel along the Florida Turnpike if such contract is negotiated or  
1455 | bid together with any other contract, including, but not limited  
1456 | to, the retail sale of food, maintenance services, or  
1457 | construction, with the exception that any contract for the retail  
1458 | sale of fuel along the Florida Turnpike shall be bid and  
1459 | contracted together with the retail sale of food at any  
1460 | convenience store attached to the fuel station.

1461 |       2. All contracts related to service plazas, including, but  
1462 | not limited to, the sale of fuel, the retail sale of food,  
1463 | maintenance services, or construction, except for services  
1464 | provided as defined in s. 287.055(2)(a), awarded by the Florida  
1465 | Turnpike Enterprise shall be procured through individual  
1466 | competitive solicitations and awarded to the most cost-effective  
1467 | responder. This paragraph does not prohibit the award of more  
1468 | than one individual contract to a single vendor if he or she  
1469 | submits the most cost-effective response.

1470 |       Section 28. Paragraph (b) of subsection (1) of section  
1471 | 338.223, Florida Statutes, is amended to read:

1472 |       338.223 Proposed turnpike projects.--

1473 |       (1)

1474 |       (b) Any proposed turnpike project or improvement shall be  
1475 | developed in accordance with the Florida Transportation Plan and  
1476 | the work program pursuant to s. 339.135. Turnpike projects that  
1477 | add capacity, alter access, affect feeder roads, or affect the  
1478 | operation of the local transportation system shall be included in  
1479 | the transportation improvement plan of the affected metropolitan

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1480 | planning organization. If such turnpike project does not fall  
1481 | within the jurisdiction of a metropolitan planning organization,  
1482 | the department shall notify the affected county and provide for  
1483 | public hearings in accordance with s. 339.155 (5) ~~(6)~~ (c).

1484 |       Section 29. Section 338.231, Florida Statutes, is amended  
1485 | to read:

1486 |       338.231 Turnpike tolls, fixing; pledge of tolls and other  
1487 | revenues.--The department shall at all times fix, adjust, charge,  
1488 | and collect such tolls and amounts for the use of the turnpike  
1489 | system as are required in order to provide a fund sufficient with  
1490 | other revenues of the turnpike system to pay the cost of  
1491 | maintaining, improving, repairing, and operating such turnpike  
1492 | system; to pay the principal of and interest on all bonds issued  
1493 | to finance or refinance any portion of the turnpike system as the  
1494 | same become due and payable; and to create reserves for all such  
1495 | purposes.

1496 |       ~~(1) In the process of effectuating toll rate increases over~~  
1497 | ~~the period 1988 through 1992, the department shall, to the~~  
1498 | ~~maximum extent feasible, equalize the toll structure, within each~~  
1499 | ~~vehicle classification, so that the per mile toll rate will be~~  
1500 | ~~approximately the same throughout the turnpike system. New~~  
1501 | ~~turnpike projects may have toll rates higher than the uniform~~  
1502 | ~~system rate where such higher toll rates are necessary to qualify~~  
1503 | ~~the project in accordance with the financial criteria in the~~  
1504 | ~~turnpike law. Such higher rates may be reduced to the uniform~~  
1505 | ~~system rate when the project is generating sufficient revenues to~~  
1506 | ~~pay the full amount of debt service and operating and maintenance~~  
1507 | ~~costs at the uniform system rate. If, after 15 years of opening~~  
1508 | ~~to traffic, the annual revenue of a turnpike project does not~~

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1509 | ~~meet or exceed the annual debt service requirements and operating~~  
1510 | ~~and maintenance costs attributable to such project, the~~  
1511 | ~~department shall, to the maximum extent feasible, establish a~~  
1512 | ~~toll rate for the project which is higher than the uniform system~~  
1513 | ~~rate as necessary to meet such annual debt service requirements~~  
1514 | ~~and operating and maintenance costs. The department may, to the~~  
1515 | ~~extent feasible, establish a temporary toll rate at less than the~~  
1516 | ~~uniform system rate for the purpose of building patronage for the~~  
1517 | ~~ultimate benefit of the turnpike system. In no case shall the~~  
1518 | ~~temporary rate be established for more than 1 year. The~~  
1519 | ~~requirements of this subsection shall not apply when the~~  
1520 | ~~application of such requirements would violate any covenant~~  
1521 | ~~established in a resolution or trust indenture relating to the~~  
1522 | ~~issuance of turnpike bonds.~~

1523 |       (1)~~(2)~~ Notwithstanding any other provision of law, the  
1524 | department may defer the scheduled July 1, 1993, toll rate  
1525 | increase on the Homestead Extension of the Florida Turnpike until  
1526 | July 1, 1995. The department may also advance funds to the  
1527 | Turnpike General Reserve Trust Fund to replace estimated lost  
1528 | revenues resulting from this deferral. The amount advanced must  
1529 | be repaid within 12 years from the date of advance; however, the  
1530 | repayment is subordinate to all other debt financing of the  
1531 | turnpike system outstanding at the time repayment is due.

1532 |       (2)~~(3)~~ The department shall publish a proposed change in  
1533 | the toll rate for the use of an existing toll facility, in the  
1534 | manner provided for in s. 120.54, which will provide for public  
1535 | notice and the opportunity for a public hearing before the  
1536 | adoption of the proposed rate change. When the department is  
1537 | evaluating a proposed turnpike toll project under s. 338.223 and

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1538 has determined that there is a high probability that the project  
1539 will pass the test of economic feasibility predicated on proposed  
1540 toll rates, the toll rate that is proposed to be charged after  
1541 the project is constructed must be adopted during the planning  
1542 and project development phase of the project, in the manner  
1543 provided for in s. 120.54, including public notice and the  
1544 opportunity for a public hearing. For such a new project, the  
1545 toll rate becomes effective upon the opening of the project to  
1546 traffic.

1547 (3) (a) ~~(4)~~ For the period July 1, 1998, through June 30,  
1548 2017, the department shall, to the maximum extent feasible,  
1549 program sufficient funds in the tentative work program such that  
1550 the percentage of turnpike toll and bond financed commitments in  
1551 Dade County, Broward County, and Palm Beach County as compared to  
1552 total turnpike toll and bond financed commitments shall be at  
1553 least 90 percent of the share of net toll collections  
1554 attributable to users of the turnpike system in Dade County,  
1555 Broward County, and Palm Beach County as compared to total net  
1556 toll collections attributable to users of the turnpike system.  
1557 The requirements of this subsection do not apply when the  
1558 application of such requirements would violate any covenant  
1559 established in a resolution or trust indenture relating to the  
1560 issuance of turnpike bonds. The department at any time for  
1561 economic considerations may establish lower temporary toll rates  
1562 for a new or existing toll facility for a period not to exceed 1  
1563 year, after which the toll rates promulgated under s. 120.54  
1564 shall become effective.

1565 (b) The department shall also fix, adjust, charge, and  
1566 collect such amounts needed to cover the costs of administering

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1567 | the different toll collection and payment methods and types of  
1568 | accounts being offered and utilized, in the manner provided for  
1569 | in s. 120.54, which will provide for public notice and the  
1570 | opportunity for a public hearing before adoption. Such amounts  
1571 | may stand alone, or be incorporated in a toll rate structure, or  
1572 | be a combination thereof.

1573 |       ~~(4)~~~~(5)~~ When bonds are outstanding which have been issued to  
1574 | finance or refinance any turnpike project, the tolls and all  
1575 | other revenues derived from the turnpike system and pledged to  
1576 | such bonds shall be set aside as may be provided in the  
1577 | resolution authorizing the issuance of such bonds or the trust  
1578 | agreement securing the same. The tolls or other revenues or other  
1579 | moneys so pledged and thereafter received by the department are  
1580 | immediately subject to the lien of such pledge without any  
1581 | physical delivery thereof or further act. The lien of any such  
1582 | pledge is valid and binding as against all parties having claims  
1583 | of any kind in tort or contract or otherwise against the  
1584 | department irrespective of whether such parties have notice  
1585 | thereof. Neither the resolution nor any trust agreement by which  
1586 | a pledge is created need be filed or recorded except in the  
1587 | records of the department.

1588 |       ~~(5)~~~~(6)~~ In each fiscal year while any of the bonds of the  
1589 | Broward County Expressway Authority series 1984 and series 1986-A  
1590 | remain outstanding, the department is authorized to pledge  
1591 | revenues from the turnpike system to the payment of principal and  
1592 | interest of such series of bonds and the operation and  
1593 | maintenance expenses of the Sawgrass Expressway, to the extent  
1594 | gross toll revenues of the Sawgrass Expressway are insufficient  
1595 | to make such payments. The terms of an agreement relative to the

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1596 | pledge of turnpike system revenue will be negotiated with the  
1597 | parties of the 1984 and 1986 Broward County Expressway Authority  
1598 | lease-purchase agreements, and subject to the covenants of those  
1599 | agreements. The agreement shall establish that the Sawgrass  
1600 | Expressway shall be subject to the planning, management, and  
1601 | operating control of the department limited only by the terms of  
1602 | the lease-purchase agreements. The department shall provide for  
1603 | the payment of operation and maintenance expenses of the Sawgrass  
1604 | Expressway until such agreement is in effect. This pledge of  
1605 | turnpike system revenues shall be subordinate to the debt service  
1606 | requirements of any future issue of turnpike bonds, the payment  
1607 | of turnpike system operation and maintenance expenses, and  
1608 | subject to provisions of any subsequent resolution or trust  
1609 | indenture relating to the issuance of such turnpike bonds.

1610 |       (6)~~(7)~~ The use and disposition of revenues pledged to bonds  
1611 | are subject to the provisions of ss. 338.22-338.241 and such  
1612 | regulations as the resolution authorizing the issuance of such  
1613 | bonds or such trust agreement may provide.

1614 |       Section 30. Subsection (4) of section 339.12, Florida  
1615 | Statutes, is amended to read:

1616 |       339.12 Aid and contributions by governmental entities for  
1617 | department projects; federal aid.--

1618 |       (4) (a) Prior to accepting the contribution of road bond  
1619 | proceeds, time warrants, or cash for which reimbursement is  
1620 | sought, the department shall enter into agreements with the  
1621 | governing body of the governmental entity for the project or  
1622 | project phases in accordance with specifications agreed upon  
1623 | between the department and the governing body of the governmental  
1624 | entity. The department in no instance is to receive from such



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1625 governmental entity an amount in excess of the actual cost of the  
1626 project or project phase. By specific provision in the written  
1627 agreement between the department and the governing body of the  
1628 governmental entity, the department may agree to reimburse the  
1629 governmental entity for the actual amount of the bond proceeds,  
1630 time warrants, or cash used on a highway project or project  
1631 phases that are not revenue producing and are contained in the  
1632 department's adopted work program, or any public transportation  
1633 project contained in the adopted work program. Subject to  
1634 appropriation of funds by the Legislature, the department may  
1635 commit state funds for reimbursement of such projects or project  
1636 phases. Reimbursement to the governmental entity for such a  
1637 project or project phase must be made from funds appropriated by  
1638 the Legislature, and reimbursement for the cost of the project or  
1639 project phase is to begin in the year the project or project  
1640 phase is scheduled in the work program as of the date of the  
1641 agreement. Funds advanced pursuant to this section, which were  
1642 originally designated for transportation purposes and so  
1643 reimbursed to a county or municipality, shall be used by the  
1644 county or municipality for any transportation expenditure  
1645 authorized under s. 336.025(7). Also, cities and counties may  
1646 receive funds from persons, and reimburse those persons, for the  
1647 purposes of this section. Such persons may include, but are not  
1648 limited to, those persons defined in s. 607.01401(19).

1649 (b) Prior to entering an agreement to advance a project or  
1650 project phase pursuant to this subsection and subsection (5), the  
1651 department shall first update the estimated cost of the project  
1652 or project phase and certify that the estimate is accurate and  
1653 consistent with the amount estimated in the adopted work program.

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1654 If the original estimate and the updated estimate vary, the  
1655 department shall amend the adopted work program according to the  
1656 amendatory procedures for the work program set forth in s.  
1657 339.135(7). The amendment shall reflect all corresponding  
1658 increases and decreases to the affected projects within the  
1659 adopted work program.

1660 (c) The department may enter into agreements under this  
1661 subsection for a project or project phase not included in the  
1662 adopted work program. As used in this paragraph, the term  
1663 "project phase" means acquisition of rights-of-way, construction,  
1664 construction inspection, and related support phases. The project  
1665 or project phase must be a high priority of the governmental  
1666 entity. Reimbursement for a project or project phase must be made  
1667 from funds appropriated by the Legislature pursuant to s.  
1668 339.135(5). All other provisions of this subsection apply to  
1669 agreements entered into under this paragraph. The total amount of  
1670 project agreements for projects or project phases not included in  
1671 the adopted work program authorized by this paragraph may not at  
1672 any time exceed \$250 ~~\$100~~ million. However, notwithstanding such  
1673 \$250 ~~\$100~~ million limit and any similar limit in s. 334.30,  
1674 project advances for any inland county with a population greater  
1675 than 500,000 dedicating amounts equal to \$500 million or more of  
1676 its Local Government Infrastructure Surtax pursuant to s.  
1677 212.055(2) for improvements to the State Highway System which are  
1678 included in the local metropolitan planning organization's or the  
1679 department's long-range transportation plans shall be excluded  
1680 from the calculation of the statewide limit of project advances.

1681 (d) The department may enter into agreements under this  
1682 subsection with any county that has a population of 150,000 or

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1683 less as determined by the most recent official estimate pursuant  
1684 to s. 186.901 for a project or project phase not included in the  
1685 adopted work program. As used in this paragraph, the term  
1686 "project phase" means acquisition of rights-of-way, construction,  
1687 construction inspection, and related support phases. The project  
1688 or project phase must be a high priority of the governmental  
1689 entity. Reimbursement for a project or project phase must be made  
1690 from funds appropriated by the Legislature pursuant to s.  
1691 339.135(5). All other provisions of this subsection apply to  
1692 agreements entered into under this paragraph. The total amount of  
1693 project agreements for projects or project phases not included in  
1694 the adopted work program authorized by this paragraph may not at  
1695 any time exceed \$200 million. The project must be included in the  
1696 local government's adopted comprehensive plan. The department is  
1697 authorized to enter into long-term repayment agreements of up to  
1698 30 years.

1699 Section 31. Paragraph (d) of subsection (7) of section  
1700 339.135, Florida Statutes, is amended to read:

1701 339.135 Work program; legislative budget request;  
1702 definitions; preparation, adoption, execution, and amendment.--

1703 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1704 (d)1. Whenever the department proposes any amendment to the  
1705 adopted work program, as defined in subparagraph (c)1. or  
1706 subparagraph (c)3., which deletes or defers a construction phase  
1707 on a capacity project, it shall notify each county affected by  
1708 the amendment and each municipality within the county. The  
1709 notification shall be issued in writing to the chief elected  
1710 official of each affected county, each municipality within the  
1711 county, and the chair of each affected metropolitan planning

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1712 organization. Each affected county and each municipality in the  
1713 county, is encouraged to coordinate with each other to determine  
1714 how the amendment effects local concurrency management and  
1715 regional transportation planning efforts. Each affected county,  
1716 and each municipality within the county, shall have 14 days to  
1717 provide written comments to the department regarding how the  
1718 amendment will effect its respective concurrency management  
1719 systems, including whether any development permits were issued  
1720 contingent upon the capacity improvement, if applicable. After  
1721 receipt of written comments from the affected local governments,  
1722 the department shall include any written comments submitted by  
1723 such local governments in its preparation of the proposed  
1724 amendment.

1725 2. Following the 14-day comment period in subparagraph 1.,  
1726 if applicable, whenever the department proposes any amendment to  
1727 the adopted work program, which amendment is defined in  
1728 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or  
1729 subparagraph (c)4., it shall submit the proposed amendment to the  
1730 Governor for approval and shall immediately notify the chairs of  
1731 the legislative appropriations committees, the chairs of the  
1732 legislative transportation committees, and each member of the  
1733 Legislature who represents a district affected by the proposed  
1734 amendment. It shall also notify, each metropolitan planning  
1735 organization affected by the proposed amendment, and each unit of  
1736 local government affected by the proposed amendment, unless it  
1737 provided to each the notification required by subparagraph 1.  
1738 Such proposed amendment shall provide a complete justification of  
1739 the need for the proposed amendment.

1740 3.2- The Governor shall not approve a proposed amendment

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1741 until 14 days following the notification required in subparagraph  
1742 2. ~~1.~~

1743 4.3. If either of the chairs of the legislative  
1744 appropriations committees or the President of the Senate or the  
1745 Speaker of the House of Representatives objects in writing to a  
1746 proposed amendment within 14 days following notification and  
1747 specifies the reasons for such objection, the Governor shall  
1748 disapprove the proposed amendment.

1749 Section 32. Section 339.155, Florida Statutes, is amended  
1750 to read:

1751 339.155 Transportation planning.--

1752 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall  
1753 develop ~~and annually update~~ a statewide transportation plan, to  
1754 be known as the Florida Transportation Plan. The plan shall be  
1755 designed so as to be easily read and understood by the general  
1756 public. The purpose of the Florida Transportation Plan is to  
1757 establish and define the state's long-range transportation goals  
1758 and objectives to be accomplished over a period of at least 20  
1759 years within the context of the State Comprehensive Plan, and any  
1760 other statutory mandates and authorizations and based upon the  
1761 prevailing principles of: preserving the existing transportation  
1762 infrastructure; enhancing Florida's economic competitiveness; and  
1763 improving travel choices to ensure mobility. The Florida  
1764 Transportation Plan shall consider the needs of the entire state  
1765 transportation system and examine the use of all modes of  
1766 transportation to effectively and efficiently meet such needs.

1767 (2) SCOPE OF PLANNING PROCESS.--The department shall carry  
1768 out a transportation planning process in conformance with s.  
1769 334.046(1) ~~which provides for consideration of projects and~~

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1770 | ~~strategies that will:~~

1771 |       ~~(a) Support the economic vitality of the United States,~~  
1772 | ~~Florida, and the metropolitan areas, especially by enabling~~  
1773 | ~~global competitiveness, productivity, and efficiency;~~

1774 |       ~~(b) Increase the safety and security of the transportation~~  
1775 | ~~system for motorized and nonmotorized users;~~

1776 |       ~~(c) Increase the accessibility and mobility options~~  
1777 | ~~available to people and for freight;~~

1778 |       ~~(d) Protect and enhance the environment, promote energy~~  
1779 | ~~conservation, and improve quality of life;~~

1780 |       ~~(e) Enhance the integration and connectivity of the~~  
1781 | ~~transportation system, across and between modes throughout~~  
1782 | ~~Florida, for people and freight;~~

1783 |       ~~(f) Promote efficient system management and operation; and~~

1784 |       ~~(g) Emphasize the preservation of the existing~~  
1785 | ~~transportation system.~~

1786 |       (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida  
1787 | Transportation Plan shall be a unified, concise planning document  
1788 | that clearly defines the state's long-range transportation goals  
1789 | and objectives ~~and documents the department's short-range~~  
1790 | ~~objectives developed to further such goals and objectives.~~ The  
1791 | plan shall:

1792 |       (a) Include a glossary that clearly and succinctly defines  
1793 | any and all phrases, words, or terms of art included in the plan,  
1794 | with which the general public may be unfamiliar. ~~and shall~~  
1795 | ~~consist of, at a minimum, the following components:~~

1796 |       (b) ~~(a)~~ Document A long-range component documenting the  
1797 | goals and long-term objectives necessary to implement the results  
1798 | of the department's findings from its examination of the

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1799 prevailing principles and criteria provided under ~~listed in~~  
1800 subsection (2) and s. 334.046(1). ~~The long-range component must~~

1801 (c) Be developed in cooperation with the metropolitan  
1802 planning organizations and reconciled, to the maximum extent  
1803 feasible, with the long-range plans developed by metropolitan  
1804 planning organizations pursuant to s. 339.175. ~~The plan must also~~

1805 (d) Be developed in consultation with affected local  
1806 officials in nonmetropolitan areas and with any affected Indian  
1807 tribal governments. ~~The plan must~~

1808 (e) Provide an examination of transportation issues likely  
1809 to arise during at least a 20-year period. ~~The long-range~~  
1810 ~~component shall~~

1811 (f) Be updated at least once every 5 years, or more often  
1812 as necessary, to reflect substantive changes to federal or state  
1813 law.

1814 ~~(b) A short-range component documenting the short-term~~  
1815 ~~objectives and strategies necessary to implement the goals and~~  
1816 ~~long-term objectives contained in the long-range component. The~~  
1817 ~~short-range component must define the relationship between the~~  
1818 ~~long-range goals and the short-range objectives, specify those~~  
1819 ~~objectives against which the department's achievement of such~~  
1820 ~~goals will be measured, and identify transportation strategies~~  
1821 ~~necessary to efficiently achieve the goals and objectives in the~~  
1822 ~~plan. It must provide a policy framework within which the~~  
1823 ~~department's legislative budget request, the strategic~~  
1824 ~~information resource management plan, and the work program are~~  
1825 ~~developed. The short-range component shall serve as the~~  
1826 ~~department's annual agency strategic plan pursuant to s. 186.021.~~  
1827 ~~The short-range component shall be developed consistent with~~

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1828 ~~available and forecasted state and federal funds. The short-range~~  
1829 ~~component shall also be submitted to the Florida Transportation~~  
1830 ~~Commission.~~

1831 ~~(4) ANNUAL PERFORMANCE REPORT.--The department shall~~  
1832 ~~develop an annual performance report evaluating the operation of~~  
1833 ~~the department for the preceding fiscal year. The report shall~~  
1834 ~~also include a summary of the financial operations of the~~  
1835 ~~department and shall annually evaluate how well the adopted work~~  
1836 ~~program meets the short-term objectives contained in the short-~~  
1837 ~~range component of the Florida Transportation Plan. This~~  
1838 ~~performance report shall be submitted to the Florida~~  
1839 ~~Transportation Commission and the legislative appropriations and~~  
1840 ~~transportation committees.~~

1841 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.--

1842 (a) Upon request by local governmental entities, the  
1843 department may in its discretion develop and design  
1844 transportation corridors, arterial and collector streets,  
1845 vehicular parking areas, and other support facilities which are  
1846 consistent with the plans of the department for major  
1847 transportation facilities. The department may render to local  
1848 governmental entities or their planning agencies such technical  
1849 assistance and services as are necessary so that local plans and  
1850 facilities are coordinated with the plans and facilities of the  
1851 department.

1852 (b) Each regional planning council, as provided for in s.  
1853 186.504, or any successor agency thereto, shall develop, as an  
1854 element of its strategic regional policy plan, transportation  
1855 goals and policies. The transportation goals and policies must be  
1856 prioritized to comply with the prevailing principles provided in



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1857 subsection (2) and s. 334.046(1). The transportation goals and  
1858 policies shall be consistent, to the maximum extent feasible,  
1859 with the goals and policies of the metropolitan planning  
1860 organization and the Florida Transportation Plan. The  
1861 transportation goals and policies of the regional planning  
1862 council will be advisory only and shall be submitted to the  
1863 department and any affected metropolitan planning organization  
1864 for their consideration and comments. Metropolitan planning  
1865 organization plans and other local transportation plans shall be  
1866 developed consistent, to the maximum extent feasible, with the  
1867 regional transportation goals and policies. The regional planning  
1868 council shall review urbanized area transportation plans and any  
1869 other planning products stipulated in s. 339.175 and provide the  
1870 department and respective metropolitan planning organizations  
1871 with written recommendations which the department and the  
1872 metropolitan planning organizations shall take under advisement.  
1873 Further, the regional planning councils shall directly assist  
1874 local governments which are not part of a metropolitan area  
1875 transportation planning process in the development of the  
1876 transportation element of their comprehensive plans as required  
1877 by s. 163.3177.

1878 (c) Regional transportation plans may be developed in  
1879 regional transportation areas in accordance with an interlocal  
1880 agreement entered into pursuant to s. 163.01 by two or more  
1881 contiguous metropolitan planning organizations; one or more  
1882 metropolitan planning organizations and one or more contiguous  
1883 counties, none of which is a member of a metropolitan planning  
1884 organization; a multicounty regional transportation authority  
1885 created by or pursuant to law; two or more contiguous counties

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1886 that are not members of a metropolitan planning organization; or  
1887 metropolitan planning organizations comprised of three or more  
1888 counties.

1889 (d) The interlocal agreement must, at a minimum, identify  
1890 the entity that will coordinate the development of the regional  
1891 transportation plan; delineate the boundaries of the regional  
1892 transportation area; provide the duration of the agreement and  
1893 specify how the agreement may be terminated, modified, or  
1894 rescinded; describe the process by which the regional  
1895 transportation plan will be developed; and provide how members of  
1896 the entity will resolve disagreements regarding interpretation of  
1897 the interlocal agreement or disputes relating to the development  
1898 or content of the regional transportation plan. Such interlocal  
1899 agreement shall become effective upon its recordation in the  
1900 official public records of each county in the regional  
1901 transportation area.

1902 (e) The regional transportation plan developed pursuant to  
1903 this section must, at a minimum, identify regionally significant  
1904 transportation facilities located within a regional  
1905 transportation area and contain a prioritized list of regionally  
1906 significant projects. The level-of-service standards for  
1907 facilities to be funded under this subsection shall be adopted by  
1908 the appropriate local government in accordance with s.  
1909 163.3180(10). The projects shall be adopted into the capital  
1910 improvements schedule of the local government comprehensive plan  
1911 pursuant to s. 163.3177(3).

1912 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
1913 TRANSPORTATION PLANNING.--

1914 (a) During the development of the ~~long-range component of~~

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1915 | ~~the~~ Florida Transportation Plan and prior to substantive  
1916 | revisions, the department shall provide citizens, affected public  
1917 | agencies, representatives of transportation agency employees,  
1918 | other affected employee representatives, private providers of  
1919 | transportation, and other known interested parties with an  
1920 | opportunity to comment on the proposed plan or revisions. These  
1921 | opportunities shall include, at a minimum, publishing a notice in  
1922 | the Florida Administrative Weekly and within a newspaper of  
1923 | general circulation within the area of each department district  
1924 | office.

1925 |       (b) During development of major transportation  
1926 | improvements, such as those increasing the capacity of a facility  
1927 | through the addition of new lanes or providing new access to a  
1928 | limited or controlled access facility or construction of a  
1929 | facility in a new location, the department shall hold one or more  
1930 | hearings prior to the selection of the facility to be provided;  
1931 | prior to the selection of the site or corridor of the proposed  
1932 | facility; and prior to the selection of and commitment to a  
1933 | specific design proposal for the proposed facility. Such public  
1934 | hearings shall be conducted so as to provide an opportunity for  
1935 | effective participation by interested persons in the process of  
1936 | transportation planning and site and route selection and in the  
1937 | specific location and design of transportation facilities. The  
1938 | various factors involved in the decision or decisions and any  
1939 | alternative proposals shall be clearly presented so that the  
1940 | persons attending the hearing may present their views relating to  
1941 | the decision or decisions which will be made.

1942 |       (c) Opportunity for design hearings:

1943 |       1. The department, prior to holding a design hearing, shall

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1944 | duly notify all affected property owners of record, as recorded  
1945 | in the property appraiser's office, by mail at least 20 days  
1946 | prior to the date set for the hearing. The affected property  
1947 | owners shall be:

1948 |       a. Those whose property lies in whole or in part within 300  
1949 | feet on either side of the centerline of the proposed facility.

1950 |       b. Those whom the department determines will be  
1951 | substantially affected environmentally, economically, socially,  
1952 | or safetywise.

1953 |       2. For each subsequent hearing, the department shall  
1954 | publish notice prior to the hearing date in a newspaper of  
1955 | general circulation for the area affected. These notices must be  
1956 | published twice, with the first notice appearing at least 15  
1957 | days, but no later than 30 days, before the hearing.

1958 |       3. A copy of the notice of opportunity for the hearing must  
1959 | be furnished to the United States Department of Transportation  
1960 | and to the appropriate departments of the state government at the  
1961 | time of publication.

1962 |       4. The opportunity for another hearing shall be afforded in  
1963 | any case when proposed locations or designs are so changed from  
1964 | those presented in the notices specified above or at a hearing as  
1965 | to have a substantially different social, economic, or  
1966 | environmental effect.

1967 |       5. The opportunity for a hearing shall be afforded in each  
1968 | case in which the department is in doubt as to whether a hearing  
1969 | is required.

1970 |       Section 33. Subsection (3) and paragraphs (b) and (c) of  
1971 | subsection (4) of section 339.2816, Florida Statutes, are amended  
1972 | to read:

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1973 | 339.2816 Small County Road Assistance Program.--  
1974 | (3) Beginning with fiscal year 1999-2000 until fiscal year  
1975 | 2009-2010, and beginning again with fiscal year 2012-2013, up to  
1976 | \$25 million annually from the State Transportation Trust Fund may  
1977 | be used for the purposes of funding the Small County Road  
1978 | Assistance Program as described in this section.  
1979 | (4)  
1980 | (b) In determining a county's eligibility for assistance  
1981 | under this program, the department may consider whether the  
1982 | county has attempted to keep county roads in satisfactory  
1983 | condition, including the amount of local option fuel tax ~~and ad~~  
1984 | ~~valorem millage rate~~ imposed by the county. The department may  
1985 | also consider the extent to which the county has offered to  
1986 | provide a match of local funds with state funds provided under  
1987 | the program. At a minimum, small counties shall be eligible only  
1988 | if:  
1989 | ~~1. The county has enacted the maximum rate of the local~~  
1990 | ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~  
1991 | ~~an ad valorem millage rate of at least 8 mills; or~~  
1992 | ~~2. The county has imposed an ad valorem millage rate of 10~~  
1993 | ~~mills.~~  
1994 | (c) The following criteria shall be used to prioritize road  
1995 | projects for funding under the program:  
1996 | 1. The primary criterion is the physical condition of the  
1997 | road as measured by the department.  
1998 | 2. As secondary criteria the department may consider:  
1999 | a. Whether a road is used as an evacuation route.  
2000 | b. Whether a road has high levels of agricultural travel.  
2001 | c. Whether a road is considered a major arterial route.

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2002 d. Whether a road is considered a feeder road.

2003 e. Whether a road is located in a fiscally constrained  
2004 county, as defined in s. 218.67(1).

2005 ~~f.e.~~ Other criteria related to the impact of a project on  
2006 the public road system or on the state or local economy as  
2007 determined by the department.

2008 Section 34. Subsections (1) and (3) of section 339.2819,  
2009 Florida Statutes, are amended to read:

2010 339.2819 Transportation Regional Incentive Program.--

2011 (1) There is created within the Department of  
2012 Transportation a Transportation Regional Incentive Program for  
2013 the purpose of providing funds to improve regionally significant  
2014 transportation facilities in regional transportation areas  
2015 created pursuant to s. 339.155(4)~~(5)~~.

2016 (3) The department shall allocate funding available for the  
2017 Transportation Regional Incentive Program to the districts based  
2018 on a factor derived from equal parts of population and motor fuel  
2019 collections for eligible counties in regional transportation  
2020 areas created pursuant to s. 339.155(4)~~(5)~~.

2021 Section 35. Subsection (6) of section 339.285, Florida  
2022 Statutes, is amended to read:

2023 339.285 Enhanced Bridge Program for Sustainable  
2024 Transportation.--

2025 (6) Preference shall be given to bridge projects located on  
2026 corridors that connect to the Strategic Intermodal System,  
2027 created under s. 339.64, and that have been identified as  
2028 regionally significant in accordance with s. 339.155(4)~~(5)~~(c),  
2029 (d), and (e).

2030 Section 36. Part III of chapter 343, Florida Statutes,

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2031 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,  
2032 343.76, and 343.77, is repealed.

2033 Section 37. Subsection (4) of section 348.0003, Florida  
2034 Statutes, is amended to read:

2035 348.0003 Expressway authority; formation; membership.--

2036 (4) (a) An authority may employ an executive secretary, an  
2037 executive director, its own counsel and legal staff, technical  
2038 experts, and such engineers and employees, permanent or  
2039 temporary, as it may require and shall determine the  
2040 qualifications and fix the compensation of such persons, firms,  
2041 or corporations. An authority may employ a fiscal agent or  
2042 agents; however, the authority must solicit sealed proposals from  
2043 at least three persons, firms, or corporations for the  
2044 performance of any services as fiscal agents. An authority may  
2045 delegate to one or more of its agents or employees such of its  
2046 power as it deems necessary to carry out the purposes of the  
2047 Florida Expressway Authority Act, subject always to the  
2048 supervision and control of the authority. Members of an authority  
2049 may be removed from office by the Governor for misconduct,  
2050 malfeasance, misfeasance, or nonfeasance in office.

2051 (b) Members of an authority are entitled to receive from  
2052 the authority their travel and other necessary expenses incurred  
2053 in connection with the business of the authority as provided in  
2054 s. 112.061, but they may not draw salaries or other compensation.

2055 (c) Members of each expressway an authority, transportation  
2056 authority, bridge authority, or toll authority, created pursuant  
2057 to this chapter, chapter 343, or chapter 349, or pursuant to any  
2058 other legislative enactment, shall be required to comply with the  
2059 applicable financial disclosure requirements of s. 8, Art. II of

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2060 the State Constitution. This subsection does not subject a  
2061 statutorily created expressway authority, transportation  
2062 authority, bridge authority, or toll authority, other than one  
2063 created under this part, to any of the requirements of this part  
2064 other than those contained in this subsection.

2065 Section 38. Paragraph (c) is added to subsection (1) of  
2066 section 348.0004, Florida Statutes, to read:

2067 348.0004 Purposes and powers.--

2068 (1)

2069 (c) Notwithstanding any other provision of law, expressway  
2070 authorities created under parts I-X of chapter 348 may index toll  
2071 rates on toll facilities to the annual Consumer Price Index or  
2072 similar inflation indicators. Once a toll rate index has been  
2073 implemented pursuant to this paragraph, the toll rate index shall  
2074 remain in place and may not be revoked. Toll rate index for  
2075 inflation under this subsection must be adopted and approved by  
2076 the expressway authority board at a public meeting and may be  
2077 made no more frequently than once a year and must be made no less  
2078 frequently than once every 5 years as necessary to accommodate  
2079 cash toll rate schedules. Toll rates may be increased beyond  
2080 these limits as directed by bond documents, covenants, or  
2081 governing body authorization or pursuant to department  
2082 administrative rule.

2083 Section 39. Subsection (1) of section 479.01, Florida  
2084 Statutes, is amended to read:

2085 479.01 Definitions.--As used in this chapter, the term:

2086 (1) "Automatic changeable facing" means a facing that ~~which~~  
2087 ~~through a mechanical system~~ is capable of delivering two or more  
2088 advertising messages through an automated or remotely controlled



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2089 ~~process and shall not rotate so rapidly as to cause distraction~~  
2090 ~~to a motorist.~~

2091 Section 40. Subsections (1), (5), and (9) of section  
2092 479.07, Florida Statutes, are amended to read:

2093 479.07 Sign permits.--

2094 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
2095 person may not erect, operate, use, or maintain, or cause to be  
2096 erected, operated, used, or maintained, any sign on the State  
2097 Highway System outside an urban incorporated area, as defined in  
2098 s. 334.03(32), or on any portion of the interstate or federal-aid  
2099 primary highway system without first obtaining a permit for the  
2100 sign from the department and paying the annual fee as provided in  
2101 this section. For purposes of this section, "on any portion of  
2102 the State Highway System, interstate, or federal-aid primary  
2103 system" shall mean a sign located within the controlled area  
2104 which is visible from any portion of the main-traveled way of  
2105 such system.

2106 (5)(a) For each permit issued, the department shall furnish  
2107 to the applicant a serially numbered permanent metal permit tag.  
2108 The permittee is responsible for maintaining a valid permit tag  
2109 on each permitted sign facing at all times. The tag shall be  
2110 securely attached to the sign facing or, if there is no facing,  
2111 on the pole nearest the highway; and it shall be attached in such  
2112 a manner as to be plainly visible from the main-traveled way.  
2113 Effective July 1, 2011, the tag shall be securely attached to the  
2114 upper 50 percent of the pole nearest the highway and shall be  
2115 attached in such a manner as to be plainly visible from the main-  
2116 traveled way. The permit will become void unless the permit tag  
2117 is properly and permanently displayed at the permitted site

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2118 | within 30 days after the date of permit issuance. If the  
2119 | permittee fails to erect a completed sign on the permitted site  
2120 | within 270 days after the date on which the permit was issued,  
2121 | the permit will be void, and the department may not issue a new  
2122 | permit to that permittee for the same location for 270 days after  
2123 | the date on which the permit became void.

2124 |         (b) If a permit tag is lost, stolen, or destroyed, the  
2125 | permittee to whom the tag was issued may ~~must~~ apply to the  
2126 | department for a replacement tag. The department shall establish  
2127 | by rule a service fee for replacement tags in an amount that will  
2128 | recover the actual cost of providing the replacement tag. Upon  
2129 | receipt of the application accompanied by the ~~a~~ service fee ~~of~~  
2130 | ~~\$3~~, the department shall issue a replacement permit tag.  
2131 | Alternatively, the permittee may provide its own replacement tag  
2132 | pursuant to department specifications which the department shall  
2133 | establish by rule at the time it establishes the service fee for  
2134 | replacement tags.

2135 |         (9) (a) A permit shall not be granted for any sign for which  
2136 | a permit had not been granted by the effective date of this act  
2137 | unless such sign is located at least:

2138 |             1. One thousand five hundred feet from any other permitted  
2139 | sign on the same side of the highway, if on an interstate  
2140 | highway.

2141 |             2. One thousand feet from any other permitted sign on the  
2142 | same side of the highway, if on a federal-aid primary highway.

2143 |  
2144 | The minimum spacing provided in this paragraph does not preclude  
2145 | the permitting of V-type, back-to-back, side-to-side, stacked, or  
2146 | double-faced signs at the permitted sign site. If a sign is

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2147 visible from the controlled area of more than one highway subject  
2148 to the jurisdiction of the department, the sign shall meet the  
2149 permitting requirements of, and, if the sign meets the applicable  
2150 permitting requirements, be permitted to, the highway with the  
2151 more stringent permitting requirements.

2152 (b) A permit shall not be granted for a sign pursuant to  
2153 this chapter to locate such sign on any portion of the interstate  
2154 or federal-aid primary highway system, which sign:

2155 1. Exceeds 50 feet in sign structure height above the crown  
2156 of the main-traveled way, if outside an incorporated area;

2157 2. Exceeds 65 feet in sign structure height above the crown  
2158 of the main-traveled way, if inside an incorporated area; or

2159 3. Exceeds 950 square feet of sign facing including all  
2160 embellishments.

2161 (c) Notwithstanding subparagraph (a)1., there is  
2162 established a pilot program in Orange, Hillsborough, and Osceola  
2163 Counties, and within the boundaries of the City of Miami, under  
2164 which the distance between permitted signs on the same side of an  
2165 interstate highway may be reduced to 1,000 feet if all other  
2166 requirements of this chapter are met and if:

2167 1. The local government has adopted a plan, program,  
2168 resolution, ordinance, or other policy encouraging the voluntary  
2169 removal of signs in a downtown, historic, redevelopment, infill,  
2170 or other designated area which also provides for a new or  
2171 replacement sign to be erected on an interstate highway within  
2172 that jurisdiction if a sign in the designated area is removed;

2173 2. The sign owner and the local government mutually agree  
2174 to the terms of the removal and replacement; and

2175 3. The local government notifies the department of its

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2176 | intention to allow such removal and replacement as agreed upon  
2177 | pursuant to subparagraph 2.

2178 |  
2179 | The department shall maintain statistics tracking the use of the  
2180 | provisions of this pilot program based on the notifications  
2181 | received by the department from local governments under this  
2182 | paragraph.

2183 |         Section 41. Section 479.08, Florida Statutes, is amended to  
2184 | read:

2185 |         479.08 Denial or revocation of permit.--The department has  
2186 | the authority to deny or revoke any permit requested or granted  
2187 | under this chapter in any case in which it determines that the  
2188 | application for the permit contains knowingly false or knowingly  
2189 | misleading information. The department has the authority to  
2190 | revoke any permit granted under this chapter in any case in which  
2191 | ~~or that~~ the permittee has violated any of the provisions of this  
2192 | chapter, unless such permittee, within 30 days after the receipt  
2193 | of notice by the department, ~~corrects such false or misleading~~  
2194 | ~~information and~~ complies with the provisions of this chapter. For  
2195 | the purpose of this section, the notice of violation issued by  
2196 | the department shall describe in detail the alleged violation.  
2197 | Any person aggrieved by any action of the department in denying  
2198 | or revoking a permit under this chapter may, within 30 days after  
2199 | receipt of the notice, apply to the department for an  
2200 | administrative hearing pursuant to chapter 120. If a timely  
2201 | request for hearing has been filed and the department issues a  
2202 | final order revoking a permit, such revocation shall be effective  
2203 | 30 days after the date of rendition. Except for department action  
2204 | pursuant to s. 479.107(1), the filing of a timely and proper

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2205 | notice of appeal shall operate to stay the revocation until the  
2206 | department's action is upheld.

2207 |       Section 42. Section 479.156, Florida Statutes, is amended  
2208 | to read:

2209 |       479.156 Wall murals.--Notwithstanding any other provision  
2210 | of this chapter, a municipality or county may permit and regulate  
2211 | wall murals within areas designated by such government. If a  
2212 | municipality or county permits wall murals, a wall mural that  
2213 | displays a commercial message and is within 660 feet of the  
2214 | nearest edge of the right-of-way within an area adjacent to the  
2215 | interstate highway system or the federal-aid primary highway  
2216 | system shall be located in an area that is zoned for industrial  
2217 | or commercial use and the municipality or county shall establish  
2218 | and enforce regulations for such areas that, at a minimum, set  
2219 | forth criteria governing the size, lighting, and spacing of wall  
2220 | murals consistent with the intent of the Highway Beautification  
2221 | Act of 1965 and with customary use. Whenever a municipality or  
2222 | county exercises such control and makes a determination of  
2223 | customary use, pursuant to 23 U.S.C. s. 131(d), such  
2224 | determination shall be accepted in lieu of controls in the  
2225 | agreement between the state and the United States Department of  
2226 | Transportation, and the Department of Transportation shall notify  
2227 | the Federal Highway Administration pursuant to the agreement, 23  
2228 | U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
2229 | is subject to municipal or county regulation and the Highway  
2230 | Beautification Act of 1965 must be approved by the Department of  
2231 | Transportation and the Federal Highway Administration where  
2232 | required by federal law and federal regulation pursuant to ~~and~~  
2233 | ~~may not violate~~ the agreement between the state and the United

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2234 States Department of Transportation and ~~or~~ violate federal  
2235 regulations enforced by the Department of Transportation under s.  
2236 479.02(1). The existence of a wall mural as defined in s.  
2237 479.01(27) shall not be considered in determining whether a sign  
2238 as defined in s. 479.01(17), either existing or new, is in  
2239 compliance with s. 479.07(9) (a).

2240 Section 43. Subsections (1), (3), (4), and (5) of section  
2241 479.261, Florida Statutes, are amended to read:

2242 479.261 Logo sign program.--

2243 (1) The department shall establish a logo sign program for  
2244 the rights-of-way of the interstate highway system to provide  
2245 information to motorists about available gas, food, lodging, ~~and~~  
2246 camping, attractions, and other services, as approved by the  
2247 Federal Highway Administration, at interchanges, through the use  
2248 of business logos, and may include additional interchanges under  
2249 the program. ~~A logo sign for nearby attractions may be added to~~  
2250 ~~this program if allowed by federal rules.~~

2251 (a) An attraction as used in this chapter is defined as an  
2252 establishment, site, facility, or landmark that ~~which~~ is open a  
2253 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~  
2254 ~~an admission for entry; which~~ has as its principal focus family-  
2255 oriented entertainment, cultural, educational, recreational,  
2256 scientific, or historical activities; and that ~~which~~ is publicly  
2257 recognized as a bona fide tourist attraction. ~~However, the~~  
2258 ~~permits for businesses seeking to participate in the attractions~~  
2259 ~~logo sign program shall be awarded by the department annually to~~  
2260 ~~the highest bidders, notwithstanding the limitation on fees in~~  
2261 ~~subsection (5), which are qualified for available space at each~~  
2262 ~~qualified location, but the fees therefor may not be less than~~

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2263 ~~the fees established for logo participants in other logo~~  
2264 ~~categories.~~

2265 (b) The department shall incorporate the use of RV-friendly  
2266 markers on specific information logo signs for establishments  
2267 that cater to the needs of persons driving recreational vehicles.  
2268 Establishments that qualify for participation in the specific  
2269 information logo program and that also qualify as "RV-friendly"  
2270 may request the RV-friendly marker on their specific information  
2271 logo sign. An RV-friendly marker must consist of a design  
2272 approved by the Federal Highway Administration. The department  
2273 shall adopt rules in accordance with chapter 120 to administer  
2274 this paragraph, including rules setting forth the minimum  
2275 requirements that establishments must meet in order to qualify as  
2276 RV-friendly. These requirements shall include large parking  
2277 spaces, entrances, and exits that can easily accommodate  
2278 recreational vehicles and facilities having appropriate overhead  
2279 clearances, if applicable.

2280 (c) The department may implement a 3-year rotation-based  
2281 logo program providing for the removal and addition of  
2282 participating businesses in the program.

2283 (3) Logo signs may be installed upon the issuance of an  
2284 annual permit by the department or its agent and payment of a ~~an~~  
2285 ~~application~~ and permit fee to the department or its agent.

2286 (4) The department may contract pursuant to s. 287.057 for  
2287 the provision of services related to the logo sign program,  
2288 including recruitment and qualification of businesses, review of  
2289 applications, permit issuance, and fabrication, installation, and  
2290 maintenance of logo signs. The department may reject all  
2291 proposals and seek another request for proposals or otherwise

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2292 | perform the work. ~~If the department contracts for the provision~~  
2293 | ~~of services for the logo sign program, the contract must require,~~  
2294 | ~~unless the business owner declines, that businesses that~~  
2295 | ~~previously entered into agreements with the department to~~  
2296 | ~~privately fund logo sign construction and installation be~~  
2297 | ~~reimbursed by the contractor for the cost of the signs which has~~  
2298 | ~~not been recovered through a previously agreed upon waiver of~~  
2299 | ~~fees.~~ The contract also may allow the contractor to retain a  
2300 | portion of the annual fees as compensation for its services.

2301 | (5) Permit fees for businesses that participate in the  
2302 | program must be established in an amount sufficient to offset the  
2303 | total cost to the department for the program, including contract  
2304 | costs. The department shall provide the services in the most  
2305 | efficient and cost-effective manner through department staff or  
2306 | by contracting for some or all of the services. The department  
2307 | shall adopt rules that set reasonable rates based upon factors  
2308 | such as population, traffic volume, market demand, and costs for  
2309 | annual permit fees. However, annual permit fees for sign  
2310 | locations inside an urban area, as defined in s. 334.03(32), may  
2311 | not exceed \$5,000 and annual permit fees for sign locations  
2312 | outside an urban area, as defined in s. 334.03(32), may not  
2313 | exceed \$2,500. After recovering program costs, the proceeds from  
2314 | the logo program shall be deposited into the State Transportation  
2315 | Trust Fund and used for transportation purposes. Such annual  
2316 | permit fee shall not exceed \$1,250.

2317 | Section 44. Business partnerships; display of names.--

2318 | (1) School districts are encouraged to partner with local  
2319 | businesses for the purposes of mentorship opportunities,  
2320 | development of employment options and additional funding sources,



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2321 and other mutual benefits.

2322 (2) As a pilot program through June 30, 2011, the Palm  
2323 Beach County School District may publicly display the names and  
2324 recognitions of their business partners on school district  
2325 property in unincorporated areas. Examples of appropriate  
2326 business partner recognition include "Project Graduation" and  
2327 athletic sponsorships. The district shall make every effort to  
2328 display business partner names in a manner that is consistent  
2329 with the county standards for uniformity in size, color, and  
2330 placement of the signs. Whenever the provisions of this section  
2331 are inconsistent with the provisions of the county ordinances or  
2332 regulations relating to signs or the provisions of chapter 125,  
2333 chapter 166, or chapter 479, Florida Statutes, in the  
2334 unincorporated areas, the provisions of this section shall  
2335 prevail.

2336 Section 45. Notwithstanding any provision of chapter 74-  
2337 400, Laws of Florida, public funds may be used for the alteration  
2338 of Old Cutler Road, between Southwest 136th Street and Southwest  
2339 184th Street, in the Village of Palmetto Bay.

2340 (1) The alteration may include the installation of  
2341 sidewalks, curbing, and landscaping to enhance pedestrian access  
2342 to the road.

2343 (2) The official approval of the project by the Department  
2344 of State must be obtained before any alteration is started.

2345 Section 46. Subsection (1) of section 120.52, Florida  
2346 Statutes, is amended to read:

2347 120.52 Definitions.--As used in this act:

2348 (1) "Agency" means:

2349 (a) The Governor in the exercise of all executive powers

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2350 other than those derived from the constitution.

2351 (b) Each:

2352 1. State officer and state department, and each  
2353 departmental unit described in s. 20.04.

2354 2. Authority, including a regional water supply authority.

2355 3. Board, including the Board of Governors of the State  
2356 University System and a state university board of trustees when  
2357 acting pursuant to statutory authority derived from the  
2358 Legislature.

2359 4. Commission, including the Commission on Ethics and the  
2360 Fish and Wildlife Conservation Commission when acting pursuant to  
2361 statutory authority derived from the Legislature.

2362 5. Regional planning agency.

2363 6. Multicounty special district with a majority of its  
2364 governing board comprised of nonelected persons.

2365 7. Educational units.

2366 8. Entity described in chapters 163, 373, 380, and 582 and  
2367 s. 186.504.

2368 (c) Each other unit of government in the state, including  
2369 counties and municipalities, to the extent they are expressly  
2370 made subject to this act by general or special law or existing  
2371 judicial decisions.

2372

2373 This definition does not include any legal entity or agency  
2374 created in whole or in part pursuant to chapter 361, part II, any  
2375 metropolitan planning organization created pursuant to s.  
2376 339.175, any separate legal or administrative entity created  
2377 pursuant to s. 339.175 of which a metropolitan planning  
2378 organization is a member, an expressway authority pursuant to

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2379 | chapter 348 or any transportation authority under chapter 343 or  
2380 | chapter 349, any legal or administrative entity created by an  
2381 | interlocal agreement pursuant to s. 163.01(7), unless any party  
2382 | to such agreement is otherwise an agency as defined in this  
2383 | subsection, or any multicounty special district with a majority  
2384 | of its governing board comprised of elected persons; however,  
2385 | this definition shall include a regional water supply authority.

2386 |       Section 47. The Legislature directs the Department of  
2387 | Transportation to establish an approved transportation  
2388 | methodology which recognizes that a planned, sustainable  
2389 | development of regional impact will likely achieve an internal  
2390 | capture rate greater than 30 percent when fully developed. The  
2391 | transportation methodology must use a regional transportation  
2392 | model that incorporates professionally accepted modeling  
2393 | techniques applicable to well-planned, sustainable communities of  
2394 | the size, location, mix of uses, and design features consistent  
2395 | with such communities. The adopted transportation methodology  
2396 | shall serve as the basis for sustainable development traffic  
2397 | impact assessments by the department. The methodology review must  
2398 | be completed and in use by March 1, 2009.

2399 |       Section 48. Except as otherwise expressly provided in this  
2400 | act, this act shall take effect upon becoming a law.