

1 A bill to be entitled
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; requiring a report to the Governor, Legislature,
6 and affected metropolitan planning organizations by a
7 certain date; amending s. 20.23, F.S.; providing for the
8 salary and benefits of the executive director of the
9 Florida Transportation Commission to be set in accordance
10 with the Senior Management Service; amending s. 125.42,
11 F.S.; providing for counties to incur certain costs
12 related to relocation or removal of certain utility
13 facilities under specified circumstances; amending s.
14 163.3177, F.S.; revising requirements for comprehensive
15 plans; providing a timeframe for submission of certain
16 information to the state land planning agency; providing
17 for airports, land adjacent to airports, and certain
18 interlocal agreements relating thereto in certain elements
19 of the plan; amending s. 163.3178, F.S.; providing that
20 certain port-related facilities are not developments of
21 regional impact under certain circumstances; amending s.
22 163.3182, F.S., relating to transportation concurrency
23 backlog authorities; providing legislative findings and
24 declarations; expanding the power of authorities to borrow
25 money to include issuing certain debt obligations;
26 providing a maximum maturity date for certain debt
27 incurred to finance or refinance certain transportation
28 concurrency backlog projects; authorizing authorities to

29 | continue operations and administer certain trust funds for
30 | the period of the remaining outstanding debt; requiring
31 | local transportation concurrency backlog trust funds to
32 | continue to be funded for certain purposes; providing for
33 | increased ad valorem tax increment funding for such trust
34 | funds under certain circumstances; revising provisions for
35 | dissolution of an authority; amending s. 287.055, F.S.;
36 | conforming a cross-reference; amending s. 334.044, F.S.;
37 | clarifying the department's authority to establish and
38 | collect variable rate tolls; amending s. 337.11, F.S.;
39 | providing for the department to pay a portion of certain
40 | proposal development costs; providing that the department
41 | shall retain the right to use ideas from unsuccessful
42 | firms that accept the stipend; establishing a goal for the
43 | department to procure certain contracts as design-build
44 | contracts; authorizing the department to adopt rules;
45 | amending ss. 337.14 and 337.16, F.S.; conforming cross-
46 | references; amending s. 337.18, F.S.; requiring the
47 | contractor to maintain a copy of the required payment and
48 | performance bond at certain locations and provide a copy
49 | upon request; providing that a copy may be obtained
50 | directly from the department; removing a provision
51 | requiring a copy to be recorded in the public records of
52 | the county; amending s. 337.185, F.S.; providing for the
53 | State Arbitration Board to arbitrate certain claims
54 | relating to maintenance contracts; providing for a member
55 | of the board to be elected by maintenance companies or
56 | construction companies; amending s. 337.403, F.S.;

57 providing for the department or local governmental entity
58 to pay certain costs of removal or relocation of a utility
59 facility that is found to be interfering with the use,
60 maintenance, improvement, extension, or expansion of a
61 public road or publicly owned rail corridor under
62 described circumstances; amending s. 337.408, F.S.;
63 providing for public pay telephones and advertising
64 thereon to be installed within the right-of-way limits of
65 any municipal, county, or state road; providing
66 exceptions; amending s. 338.01, F.S.; requiring new and
67 replacement electronic toll collection systems to be
68 interoperable with the department's system; amending s.
69 338.165, F.S.; authorizing the department to use excess
70 toll revenues for public transit; exempting toll rates on
71 high-occupancy toll lanes or express lanes from consumer
72 price indexing provisions; removing specific
73 identification of certain state-owned toll facilities in
74 the department's authority to request issuance of bonds to
75 fund transportation projects located within the county or
76 counties in which the project is located; amending s.
77 338.2216, F.S.; directing the Florida Turnpike Enterprise
78 to implement new technologies and processes in its
79 operations and collection of tolls and other amounts;
80 amending s. 338.223, F.S.; conforming a cross-reference;
81 amending s. 338.231, F.S.; revising provisions for
82 establishing and collecting tolls; authorizing collection
83 of amounts to cover costs of toll collection and payment
84 methods; requiring public notice and hearing; amending s.

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85 | 339.12, F.S.; revising requirements for aid and
86 | contributions by governmental entities for transportation
87 | projects; revising limits under which the department may
88 | enter into an agreement with a county for a project or
89 | project phase not in the adopted work program; authorizing
90 | the department to enter into certain long-term repayment
91 | agreements; amending s. 339.135, F.S.; revising certain
92 | notice provisions that require the department to notify
93 | local governments regarding amendments to an adopted 5-
94 | year work program; amending s. 339.155, F.S.; revising
95 | provisions for development of the Florida Transportation
96 | Plan; removing provisions for a short-range component and
97 | an annual performance report; amending s. 339.2816, F.S.,
98 | relating to the Small County Road Assistance Program;
99 | providing for resumption of certain funding for the
100 | program; revising the criteria for counties eligible to
101 | participate in the program; amending ss. 339.2819 and
102 | 339.285, F.S.; conforming cross-references; repealing part
103 | III of ch. 343 F.S.; abolishing the Tampa Bay Commuter
104 | Transit Authority; amending s. 348.0003, F.S.; providing
105 | for financial disclosure for expressway, transportation,
106 | bridge, and toll authorities; amending s. 348.0004, F.S.;
107 | providing for certain expressway authorities to index toll
108 | rate increases; amending s. 479.01, F.S.; revising
109 | provisions for outdoor advertising; revising the
110 | definition of the term "automatic changeable facing";
111 | amending s. 479.07, F.S.; revising a prohibition against
112 | signs on the State Highway System; revising requirements

113 | for display of the sign permit tag; directing the
114 | department to establish by rule a fee for furnishing a
115 | replacement permit tag; revising the pilot project for
116 | permitted signs to include Hillsborough County and areas
117 | within the boundaries of the City of Miami; amending s.
118 | 479.08, F.S.; revising provisions for denial or revocation
119 | of a sign permit; amending s. 479.156, F.S.; modifying
120 | provisions for local government control of the regulation
121 | of wall murals adjacent to certain federal highways;
122 | providing for notification to the Federal Highway
123 | Administration; amending s. 479.261, F.S.; revising
124 | requirements for the logo sign program of the interstate
125 | highway system; deleting provisions for permits to be
126 | awarded to the highest bidders; authorizing the department
127 | to implement a rotation-based logo program; requiring the
128 | department to adopt rules that set reasonable rates based
129 | on certain factors for annual permit fees; requiring that
130 | such fees not exceed a certain amount for sign locations
131 | inside and outside an urban area; creating a business
132 | partnership pilot program; authorizing the Palm Beach
133 | County School District to display names of business
134 | partners on district property in unincorporated areas;
135 | exempting the program from specified provisions;
136 | authorizing the expenditure of public funds for certain
137 | alterations of Old Cutler Road in the Village of Palmetto
138 | Bay; requiring the official approval of the Department of
139 | State before any alterations may begin; amending s.
140 | 120.52, F.S.; revising the definition of the term

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141 "agency"; directing the Department of Transportation to
142 establish an approved transportation methodology for a
143 certain purpose; providing requirements; providing
144 effective dates.

145
146 Be It Enacted by the Legislature of the State of Florida:

147
148 Section 1. The Department of Transportation, in
149 consultation with the Department of Law Enforcement, the
150 Division of Emergency Management of the Department of Community
151 Affairs, the Office of Tourism, Trade, and Economic Development,
152 and regional planning councils within whose jurisdictional area
153 the I-95 corridor lies, shall complete a study of transportation
154 alternatives for the travel corridor parallel to Interstate 95
155 which takes into account the transportation, emergency
156 management, homeland security, and economic development needs of
157 the state. The report must include the identification of cost
158 effective measures that may be implemented to alleviate
159 congestion on Interstate 95, facilitate emergency and security
160 responses, and foster economic development. The Department of
161 Transportation shall send the report to the Governor, the
162 President of the Senate, the Speaker of the House of
163 Representatives, and each affected metropolitan planning
164 organization by June 30, 2010.

165 Section 2. Paragraph (h) of subsection (2) of section
166 20.23, Florida Statutes, is amended to read:

167 20.23 Department of Transportation.--There is created a
168 Department of Transportation which shall be a decentralized

169 agency.
 170 (2)
 171 (h) The commission shall appoint an executive director and
 172 assistant executive director, who shall serve under the
 173 direction, supervision, and control of the commission. The
 174 executive director, with the consent of the commission, shall
 175 employ such staff as are necessary to perform adequately the
 176 functions of the commission, within budgetary limitations. All
 177 employees of the commission are exempt from part II of chapter
 178 110 and shall serve at the pleasure of the commission. The
 179 salary and benefits of the executive director shall be set in
 180 accordance with the Senior Management Service. The salaries and
 181 benefits of all other employees of the commission shall be set
 182 in accordance with the Selected Exempt Service; ~~provided,~~
 183 however, ~~that~~ the commission has ~~shall have~~ complete authority
 184 for fixing the salary of the executive director and assistant
 185 executive director.

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

188 125.42 Water, sewage, gas, power, telephone, other
 189 utility, and television lines along county roads and highways.--

190 (5) In the event of widening, repair, or reconstruction of
 191 any such road, the licensee shall move or remove such water,
 192 sewage, gas, power, telephone, and other utility lines and
 193 television lines at no cost to the county except as provided in
 194 s. 337.403(1)(e).

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

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197 163.3177 Required and optional elements of comprehensive
198 plan; studies and surveys.--

199 (6) In addition to the requirements of subsections (1)-(5)
200 and (12), the comprehensive plan shall include the following
201 elements:

202 (a) A future land use plan element designating proposed
203 future general distribution, location, and extent of the uses of
204 land for residential uses, commercial uses, industry,
205 agriculture, recreation, conservation, education, public
206 buildings and grounds, other public facilities, and other
207 categories of the public and private uses of land. Counties are
208 encouraged to designate rural land stewardship areas, pursuant
209 to the provisions of paragraph (11)(d), as overlays on the
210 future land use map. Each future land use category must be
211 defined in terms of uses included, and must include standards to
212 be followed in the control and distribution of population
213 densities and building and structure intensities. The proposed
214 distribution, location, and extent of the various categories of
215 land use shall be shown on a land use map or map series which
216 shall be supplemented by goals, policies, and measurable
217 objectives. The future land use plan shall be based upon
218 surveys, studies, and data regarding the area, including the
219 amount of land required to accommodate anticipated growth; the
220 projected population of the area; the character of undeveloped
221 land; the availability of water supplies, public facilities, and
222 services; the need for redevelopment, including the renewal of
223 blighted areas and the elimination of nonconforming uses which
224 are inconsistent with the character of the community; the

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225 compatibility of uses on lands adjacent to or closely proximate
226 to military installations and lands adjacent to an airport as
227 defined in s. 330.35 and consistent with provisions in s.
228 333.02; the discouragement of urban sprawl; energy-efficient
229 land use patterns accounting for existing and future electric
230 power generation and transmission systems; greenhouse gas
231 reduction strategies; and, in rural communities, the need for
232 job creation, capital investment, and economic development that
233 will strengthen and diversify the community's economy. The
234 future land use plan may designate areas for future planned
235 development use involving combinations of types of uses for
236 which special regulations may be necessary to ensure development
237 in accord with the principles and standards of the comprehensive
238 plan and this act. The future land use plan element shall
239 include criteria to be used to achieve the compatibility of
240 adjacent or closely proximate lands with military installations
241 and lands adjacent to an airport as defined in s. 330.35 and
242 consistent with provisions in s. 333.02. In addition, for rural
243 communities, the amount of land designated for future planned
244 industrial use shall be based upon surveys and studies that
245 reflect the need for job creation, capital investment, and the
246 necessity to strengthen and diversify the local economies, and
247 shall not be limited solely by the projected population of the
248 rural community. The future land use plan of a county may also
249 designate areas for possible future municipal incorporation. The
250 land use maps or map series shall generally identify and depict
251 historic district boundaries and shall designate historically
252 significant properties meriting protection. For coastal

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253 | counties, the future land use element must include, without
254 | limitation, regulatory incentives and criteria that encourage
255 | the preservation of recreational and commercial working
256 | waterfronts as defined in s. 342.07. The future land use element
257 | must clearly identify the land use categories in which public
258 | schools are an allowable use. When delineating the land use
259 | categories in which public schools are an allowable use, a local
260 | government shall include in the categories sufficient land
261 | proximate to residential development to meet the projected needs
262 | for schools in coordination with public school boards and may
263 | establish differing criteria for schools of different type or
264 | size. Each local government shall include lands contiguous to
265 | existing school sites, to the maximum extent possible, within
266 | the land use categories in which public schools are an allowable
267 | use. The failure by a local government to comply with these
268 | school siting requirements will result in the prohibition of the
269 | local government's ability to amend the local comprehensive
270 | plan, except for plan amendments described in s. 163.3187(1)(b),
271 | until the school siting requirements are met. Amendments
272 | proposed by a local government for purposes of identifying the
273 | land use categories in which public schools are an allowable use
274 | are exempt from the limitation on the frequency of plan
275 | amendments contained in s. 163.3187. The future land use element
276 | shall include criteria that encourage the location of schools
277 | proximate to urban residential areas to the extent possible and
278 | shall require that the local government seek to collocate public
279 | facilities, such as parks, libraries, and community centers,
280 | with schools to the extent possible and to encourage the use of

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281 elementary schools as focal points for neighborhoods. For
282 schools serving predominantly rural counties, defined as a
283 county with a population of 100,000 or fewer, an agricultural
284 land use category shall be eligible for the location of public
285 school facilities if the local comprehensive plan contains
286 school siting criteria and the location is consistent with such
287 criteria. Local governments required to update or amend their
288 comprehensive plan to include criteria and address compatibility
289 of lands adjacent to an airport as defined in s. 330.35 and
290 consistent with provisions in s. 333.02 ~~adjacent or closely~~
291 ~~proximate lands with existing military installations~~ in their
292 future land use plan element shall transmit the update or
293 amendment to the state land planning agency ~~department~~ by June
294 30, 2012 ~~2006~~.

295 (h)1. An intergovernmental coordination element showing
296 relationships and stating principles and guidelines to be used
297 in the accomplishment of coordination of the adopted
298 comprehensive plan with the plans of school boards, regional
299 water supply authorities, and other units of local government
300 providing services but not having regulatory authority over the
301 use of land, with the comprehensive plans of adjacent
302 municipalities, the county, adjacent counties, or the region,
303 with the state comprehensive plan and with the applicable
304 regional water supply plan approved pursuant to s. 373.0361, as
305 the case may require and as such adopted plans or plans in
306 preparation may exist. This element of the local comprehensive
307 plan shall demonstrate consideration of the particular effects
308 of the local plan, when adopted, upon the development of

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309 adjacent municipalities, the county, adjacent counties, or the
310 region, or upon the state comprehensive plan, as the case may
311 require.

312 a. The intergovernmental coordination element shall
313 provide for procedures to identify and implement joint planning
314 areas, especially for the purpose of annexation, municipal
315 incorporation, and joint infrastructure service areas.

316 b. The intergovernmental coordination element shall
317 provide for recognition of campus master plans prepared pursuant
318 to s. 1013.30 and airport master plans pursuant to paragraph
319 (k).

320 c. The intergovernmental coordination element may provide
321 for a voluntary dispute resolution process as established
322 pursuant to s. 186.509 for bringing to closure in a timely
323 manner intergovernmental disputes. A local government may
324 develop and use an alternative local dispute resolution process
325 for this purpose.

326 d. The intergovernmental coordination element shall
327 provide for interlocal agreements, as established pursuant to s.
328 333.03(1)(b).

329 2. The intergovernmental coordination element shall
330 further state principles and guidelines to be used in the
331 accomplishment of coordination of the adopted comprehensive plan
332 with the plans of school boards and other units of local
333 government providing facilities and services but not having
334 regulatory authority over the use of land. In addition, the
335 intergovernmental coordination element shall describe joint
336 processes for collaborative planning and decisionmaking on

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337 population projections and public school siting, the location
338 and extension of public facilities subject to concurrency, and
339 siting facilities with countywide significance, including
340 locally unwanted land uses whose nature and identity are
341 established in an agreement. Within 1 year of adopting their
342 intergovernmental coordination elements, each county, all the
343 municipalities within that county, the district school board,
344 and any unit of local government service providers in that
345 county shall establish by interlocal or other formal agreement
346 executed by all affected entities, the joint processes described
347 in this subparagraph consistent with their adopted
348 intergovernmental coordination elements.

349 3. To foster coordination between special districts and
350 local general-purpose governments as local general-purpose
351 governments implement local comprehensive plans, each
352 independent special district must submit a public facilities
353 report to the appropriate local government as required by s.
354 189.415.

355 4.a. Local governments must execute an interlocal
356 agreement with the district school board, the county, and
357 nonexempt municipalities pursuant to s. 163.31777. The local
358 government shall amend the intergovernmental coordination
359 element to provide that coordination between the local
360 government and school board is pursuant to the agreement and
361 shall state the obligations of the local government under the
362 agreement.

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

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365 5. The state land planning agency shall establish a
366 schedule for phased completion and transmittal of plan
367 amendments to implement subparagraphs 1., 2., and 3. from all
368 jurisdictions so as to accomplish their adoption by December 31,
369 1999. A local government may complete and transmit its plan
370 amendments to carry out these provisions prior to the scheduled
371 date established by the state land planning agency. The plan
372 amendments are exempt from the provisions of s. 163.3187(1).

373 6. By January 1, 2004, any county having a population
374 greater than 100,000, and the municipalities and special
375 districts within that county, shall submit a report to the
376 Department of Community Affairs which:

377 a. Identifies all existing or proposed interlocal service
378 delivery agreements regarding the following: education; sanitary
379 sewer; public safety; solid waste; drainage; potable water;
380 parks and recreation; and transportation facilities.

381 b. Identifies any deficits or duplication in the provision
382 of services within its jurisdiction, whether capital or
383 operational. Upon request, the Department of Community Affairs
384 shall provide technical assistance to the local governments in
385 identifying deficits or duplication.

386 7. Within 6 months after submission of the report, the
387 Department of Community Affairs shall, through the appropriate
388 regional planning council, coordinate a meeting of all local
389 governments within the regional planning area to discuss the
390 reports and potential strategies to remedy any identified
391 deficiencies or duplications.

392 8. Each local government shall update its

393 | intergovernmental coordination element based upon the findings
 394 | in the report submitted pursuant to subparagraph 6. The report
 395 | may be used as supporting data and analysis for the
 396 | intergovernmental coordination element.

397 | (j) For each unit of local government within an urbanized
 398 | area designated for purposes of s. 339.175, a transportation
 399 | element, which shall be prepared and adopted in lieu of the
 400 | requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
 401 | and (d) and which shall address the following issues:

402 | 1. Traffic circulation, including major thoroughfares and
 403 | other routes, including bicycle and pedestrian ways.

404 | 2. All alternative modes of travel, such as public
 405 | transportation, pedestrian, and bicycle travel.

406 | 3. Parking facilities.

407 | 4. Aviation, rail, seaport facilities, access to those
 408 | facilities, and intermodal terminals.

409 | 5. The availability of facilities and services to serve
 410 | existing land uses and the compatibility between future land use
 411 | and transportation elements.

412 | 6. The capability to evacuate the coastal population prior
 413 | to an impending natural disaster.

414 | 7. Airports, projected airport and aviation development,
 415 | and land use compatibility around airports that includes areas
 416 | defined in ss. 333.01 and 333.02.

417 | 8. An identification of land use densities, building
 418 | intensities, and transportation management programs to promote
 419 | public transportation systems in designated public
 420 | transportation corridors so as to encourage population densities

421 sufficient to support such systems.

422 9. May include transportation corridors, as defined in s.
 423 334.03, intended for future transportation facilities designated
 424 pursuant to s. 337.273. If transportation corridors are
 425 designated, the local government may adopt a transportation
 426 corridor management ordinance.

427 10. The incorporation of transportation strategies to
 428 address reduction in greenhouse gas emissions from the
 429 transportation sector.

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

432 163.3178 Coastal management.--

433 (3) Expansions to port harbors, spoil disposal sites,
 434 navigation channels, turning basins, harbor berths, and other
 435 related inwater harbor facilities of ports listed in s.
 436 403.021(9); port transportation facilities and projects listed
 437 in s. 311.07(3)(b); and intermodal transportation facilities
 438 identified pursuant to s. 311.09(3) and facilities determined by
 439 the Department of Community Affairs and any applicable general
 440 purpose local government to be port-related industrial or
 441 commercial projects located within 3 miles of or in a port
 442 master plan area which rely upon the utilization of port and
 443 intermodal transportation facilities shall not be developments
 444 of regional impact where such expansions, projects, or
 445 facilities are consistent with comprehensive master plans that
 446 are in compliance with this section.

447 Section 6. Paragraph (d) of subsection (3), paragraph (a)
 448 of subsection (4), and subsections (5) and (8) of section

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449 163.3182, Florida Statutes, are amended, and paragraph (c) is
 450 added to subsection (2) of that section, to read:

451 163.3182 Transportation concurrency backlogs.--

452 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 453 AUTHORITIES.--

454 (c) The Legislature finds and declares that there exists
 455 in many counties and municipalities areas with significant
 456 transportation deficiencies and inadequate transportation
 457 facilities; that many such deficiencies and inadequacies
 458 severely limit or prohibit the satisfaction of transportation
 459 concurrency standards; that such transportation deficiencies and
 460 inadequacies affect the health, safety, and welfare of the
 461 residents of such counties and municipalities; that such
 462 transportation deficiencies and inadequacies adversely affect
 463 economic development and growth of the tax base for the areas in
 464 which such deficiencies and inadequacies exist; and that the
 465 elimination of transportation deficiencies and inadequacies and
 466 the satisfaction of transportation concurrency standards are
 467 paramount public purposes for the state and its counties and
 468 municipalities.

469 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 470 AUTHORITY.--Each transportation concurrency backlog authority
 471 has the powers necessary or convenient to carry out the purposes
 472 of this section, including the following powers in addition to
 473 others granted in this section:

474 (d) To borrow money, including, but not limited to,
 475 issuing debt obligations, such as, but not limited to, bonds,
 476 notes, certificates, and similar debt instruments; to apply for

477 and accept advances, loans, grants, contributions, and any other
 478 forms of financial assistance from the Federal Government or the
 479 state, county, or any other public body or from any sources,
 480 public or private, for the purposes of this part; to give such
 481 security as may be required; to enter into and carry out
 482 contracts or agreements; and to include in any contracts for
 483 financial assistance with the Federal Government for or with
 484 respect to a transportation concurrency backlog project and
 485 related activities such conditions imposed pursuant to federal
 486 laws as the transportation concurrency backlog authority
 487 considers reasonable and appropriate and which are not
 488 inconsistent with the purposes of this section.

489 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

490 (a) Each transportation concurrency backlog authority
 491 shall adopt a transportation concurrency backlog plan as a part
 492 of the local government comprehensive plan within 6 months after
 493 the creation of the authority. The plan shall:

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

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

501 3. Establish a schedule for financing and construction of
 502 transportation concurrency backlog projects that will eliminate
 503 transportation concurrency backlogs within the jurisdiction of
 504 the authority within 10 years after the transportation

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505 concurrency backlog plan adoption. The schedule shall be adopted
506 as part of the local government comprehensive plan.
507 Notwithstanding such schedule requirements, as long as the
508 schedule provides for the elimination of all transportation
509 concurrency backlogs within 10 years after the adoption of the
510 concurrency backlog plan, the final maturity date of any debt
511 incurred to finance or refinance the related projects may be no
512 later than 40 years after the date such debt is incurred and the
513 authority may continue operations and administer the trust fund
514 established as provided in subsection (5) for as long as such
515 debt remains outstanding.

516 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
517 concurrency backlog authority shall establish a local
518 transportation concurrency backlog trust fund upon creation of
519 the authority. Each local trust fund shall be administered by
520 the transportation concurrency backlog authority within which a
521 transportation concurrency backlog has been identified. Each
522 local trust fund shall continue to be funded pursuant to this
523 section for as long as the projects set forth in the related
524 transportation concurrency backlog plan remain to be completed
525 or until any debt incurred to finance or refinance the related
526 projects are no longer outstanding, whichever occurs later.
527 Beginning in the first fiscal year after the creation of the
528 authority, each local trust fund shall be funded by the proceeds
529 of an ad valorem tax increment collected within each
530 transportation concurrency backlog area to be determined
531 annually and shall be a minimum of 25 percent of the difference
532 between the amounts set forth in paragraphs (a) and (b), except

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533 that, if all of the affected taxing authorities agree pursuant
534 to an interlocal agreement, a particular local trust fund may be
535 funded by the proceeds of an ad valorem tax increment greater
536 than 25 percent of the difference between the amounts set forth
537 in paragraphs (a) and (b):

538 (a) The amount of ad valorem tax levied each year by each
539 taxing authority, exclusive of any amount from any debt service
540 millage, on taxable real property contained within the
541 jurisdiction of the transportation concurrency backlog authority
542 and within the transportation backlog area; and

543 (b) The amount of ad valorem taxes which would have been
544 produced by the rate upon which the tax is levied each year by
545 or for each taxing authority, exclusive of any debt service
546 millage, upon the total of the assessed value of the taxable
547 real property within the transportation concurrency backlog area
548 as shown on the most recent assessment roll used in connection
549 with the taxation of such property of each taxing authority
550 prior to the effective date of the ordinance funding the trust
551 fund.

552 (8) DISSOLUTION.--Upon completion of all transportation
553 concurrency backlog projects and repayment or defeasance of all
554 debt issued to finance or refinance such projects, a
555 transportation concurrency backlog authority shall be dissolved,
556 and its assets and liabilities shall be transferred to the
557 county or municipality within which the authority is located.
558 All remaining assets of the authority must be used for
559 implementation of transportation projects within the
560 jurisdiction of the authority. The local government

561 comprehensive plan shall be amended to remove the transportation
 562 concurrency backlog plan.

563 Section 7. Paragraph (c) of subsection (9) of section
 564 287.055, Florida Statutes, is amended to read:

565 287.055 Acquisition of professional architectural,
 566 engineering, landscape architectural, or surveying and mapping
 567 services; definitions; procedures; contingent fees prohibited;
 568 penalties.--

569 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

570 (c) Except as otherwise provided in s. 337.11(8)~~(7)~~, the
 571 Department of Management Services shall adopt rules for the
 572 award of design-build contracts to be followed by state
 573 agencies. Each other agency must adopt rules or ordinances for
 574 the award of design-build contracts. Municipalities, political
 575 subdivisions, school districts, and school boards shall award
 576 design-build contracts by the use of a competitive proposal
 577 selection process as described in this subsection, or by the use
 578 of a qualifications-based selection process pursuant to
 579 subsections (3), (4), and (5) for entering into a contract
 580 whereby the selected firm will, subsequent to competitive
 581 negotiations, establish a guaranteed maximum price and
 582 guaranteed completion date. If the procuring agency elects the
 583 option of qualifications-based selection, during the selection
 584 of the design-build firm the procuring agency shall employ or
 585 retain a licensed design professional appropriate to the project
 586 to serve as the agency's representative. Procedures for the use
 587 of a competitive proposal selection process must include as a
 588 minimum the following:

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- 589 1. The preparation of a design criteria package for the
590 design and construction of the public construction project.
- 591 2. The qualification and selection of no fewer than three
592 design-build firms as the most qualified, based on the
593 qualifications, availability, and past work of the firms,
594 including the partners or members thereof.
- 595 3. The criteria, procedures, and standards for the
596 evaluation of design-build contract proposals or bids, based on
597 price, technical, and design aspects of the public construction
598 project, weighted for the project.
- 599 4. The solicitation of competitive proposals, pursuant to
600 a design criteria package, from those qualified design-build
601 firms and the evaluation of the responses or bids submitted by
602 those firms based on the evaluation criteria and procedures
603 established prior to the solicitation of competitive proposals.
- 604 5. For consultation with the employed or retained design
605 criteria professional concerning the evaluation of the responses
606 or bids submitted by the design-build firms, the supervision or
607 approval by the agency of the detailed working drawings of the
608 project; and for evaluation of the compliance of the project
609 construction with the design criteria package by the design
610 criteria professional.
- 611 6. In the case of public emergencies, for the agency head
612 to declare an emergency and authorize negotiations with the best
613 qualified design-build firm available at that time.
- 614 Section 8. Subsection (16) of section 334.044, Florida
615 Statutes, is amended to read:
- 616 334.044 Department; powers and duties.--The department

617 shall have the following general powers and duties:

618 (16) To plan, acquire, lease, construct, maintain, and
 619 operate toll facilities; to authorize the issuance and refunding
 620 of bonds; and to establish ~~fix~~ and collect tolls, variable rate
 621 tolls, or other charges for travel on any such facilities.

622 Section 9. Subsections (7) through (15) of section 337.11,
 623 Florida Statutes, are renumbered as subsections (8) through
 624 (16), respectively, present subsection (7) is amended, and a new
 625 subsection (7) is added to that section, to read:

626 337.11 Contracting authority of department; bids;
 627 emergency repairs, supplemental agreements, and change orders;
 628 combined design and construction contracts; progress payments;
 629 records; requirements of vehicle registration.--

630 (7) If the department determines that it is in the best
 631 interest of the public, the department may pay a stipend to
 632 unsuccessful firms who have submitted responsive proposals for
 633 construction or maintenance contracts. The decision and amount
 634 of a stipend will be based upon department analysis of the
 635 estimated proposal development costs and the anticipated degree
 636 of competition during the procurement process. Stipends shall be
 637 used to encourage competition and compensate unsuccessful firms
 638 for a portion of their proposal development costs. The
 639 department shall retain the right to use ideas from unsuccessful
 640 firms that accept a stipend.

641 (8)~~(7)~~(a) If the head of the department determines that it
 642 is in the best interests of the public, the department may
 643 combine the design and construction phases of a building, a
 644 major bridge, a limited access facility, or a rail corridor

645 project into a single contract. Such contract is referred to as
 646 a design-build contract. The department's goal shall be to
 647 procure up to 25 percent of the construction contracts which add
 648 capacity in the 5-year adopted work program as design-build
 649 contracts by July 1, 2014. Design-build contracts may be
 650 advertised and awarded notwithstanding the requirements of
 651 paragraph (3)(c). However, construction activities may not begin
 652 on any portion of such projects for which the department has not
 653 yet obtained title to the necessary rights-of-way and easements
 654 for the construction of that portion of the project has vested
 655 in the state or a local governmental entity and all railroad
 656 crossing and utility agreements have been executed. Title to
 657 rights-of-way shall be deemed to have vested in the state when
 658 the title has been dedicated to the public or acquired by
 659 prescription.

660 (b) The department shall adopt by rule procedures for
 661 administering design-build contracts. Such procedures shall
 662 include, but not be limited to:

- 663 1. Prequalification requirements.
- 664 2. Public announcement procedures.
- 665 3. Scope of service requirements.
- 666 4. Letters of interest requirements.
- 667 5. Short-listing criteria and procedures.
- 668 6. Bid proposal requirements.
- 669 7. Technical review committee.
- 670 8. Selection and award processes.
- 671 9. Stipend requirements.

672 (c) The department must receive at least three letters of

673 interest in order to proceed with a request for proposals. The
 674 department shall request proposals from no fewer than three of
 675 the design-build firms submitting letters of interest. If a
 676 design-build firm withdraws from consideration after the
 677 department requests proposals, the department may continue if at
 678 least two proposals are received.

679 Section 10. Subsection (7) of section 337.14, Florida
 680 Statutes, is amended to read:

681 337.14 Application for qualification; certificate of
 682 qualification; restrictions; request for hearing.--

683 (7) No "contractor" as defined in s. 337.165(1)(d) or his
 684 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
 685 the department under this section may also qualify under s.
 686 287.055 or s. 337.105 to provide testing services, construction,
 687 engineering, and inspection services to the department. This
 688 limitation shall not apply to any design-build prequalification
 689 under s. 337.11(8)~~(7)~~.

690 Section 11. Paragraph (a) of subsection (2) of section
 691 337.16, Florida Statutes, is amended to read:

692 337.16 Disqualification of delinquent contractors from
 693 bidding; determination of contractor nonresponsibility; denial,
 694 suspension, and revocation of certificates of qualification;
 695 grounds; hearing.--

696 (2) For reasons other than delinquency in progress, the
 697 department, for good cause, may determine any contractor not
 698 having a certificate of qualification nonresponsible for a
 699 specified period of time or may deny, suspend, or revoke any
 700 certificate of qualification. Good cause includes, but is not

701 limited to, circumstances in which a contractor or the
 702 contractor's official representative:

703 (a) Makes or submits to the department false, deceptive,
 704 or fraudulent statements or materials in any bid proposal to the
 705 department, any application for a certificate of qualification,
 706 any certification of payment pursuant to s. 337.11(11)~~(10)~~, or
 707 any administrative or judicial proceeding;

708 Section 12. Paragraph (b) of subsection (1) of section
 709 337.18, Florida Statutes, is amended to read:

710 337.18 Surety bonds for construction or maintenance
 711 contracts; requirement with respect to contract award; bond
 712 requirements; defaults; damage assessments.--

713 (1)

714 (b) Prior to beginning any work under the contract, the
 715 contractor shall maintain a copy of the payment and performance
 716 bond required under this section at its principal place of
 717 business and at the jobsite office, if one is established, and
 718 the contractor shall provide a copy of the payment and
 719 performance bond within 5 days after receipt of any written
 720 request therefor. A copy of the payment and performance bond
 721 required under this section may also be obtained directly from
 722 the department by a request made pursuant to chapter 119. ~~Upon~~
 723 ~~execution of the contract, and prior to beginning any work under~~
 724 ~~the contract, the contractor shall record in the public records~~
 725 ~~of the county where the improvement is located the payment and~~
 726 ~~performance bond required under this section. A claimant shall~~
 727 have a right of action against the contractor and surety for the
 728 amount due him or her, including unpaid finance charges due

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729 | under the claimant's contract. Such action shall not involve the
730 | department in any expense.

731 | Section 13. Subsections (1), (2), and (7) of section
732 | 337.185, Florida Statutes, are amended to read:

733 | 337.185 State Arbitration Board.--

734 | (1) To facilitate the prompt settlement of claims for
735 | additional compensation arising out of construction and
736 | maintenance contracts between the department and the various
737 | contractors with whom it transacts business, the Legislature
738 | does hereby establish the State Arbitration Board, referred to
739 | in this section as the "board." For the purpose of this section,
740 | "claim" shall mean the aggregate of all outstanding claims by a
741 | party arising out of a construction or maintenance contract.
742 | Every contractual claim in an amount up to \$250,000 per contract
743 | or, at the claimant's option, up to \$500,000 per contract or,
744 | upon agreement of the parties, up to \$1 million per contract
745 | that cannot be resolved by negotiation between the department
746 | and the contractor shall be arbitrated by the board after
747 | acceptance of the project by the department. As an exception,
748 | either party to the dispute may request that the claim be
749 | submitted to binding private arbitration. A court of law may not
750 | consider the settlement of such a claim until the process
751 | established by this section has been exhausted.

752 | (2) The board shall be composed of three members. One
753 | member shall be appointed by the head of the department, and one
754 | member shall be elected by those construction or maintenance
755 | companies who are under contract with the department. The third
756 | member shall be chosen by agreement of the other two members.

757 Whenever the third member has a conflict of interest regarding
 758 affiliation with one of the parties, the other two members shall
 759 select an alternate member for that hearing. The head of the
 760 department may select an alternative or substitute to serve as
 761 the department member for any hearing or term. Each member shall
 762 serve a 2-year term. The board shall elect a chair, each term,
 763 who shall be the administrator of the board and custodian of its
 764 records.

765 (7) The members of the board may receive compensation for
 766 the performance of their duties hereunder, from administrative
 767 fees received by the board, except that no employee of the
 768 department may receive compensation from the board. The
 769 compensation amount shall be determined by the board, but shall
 770 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
 771 each member authorized to receive compensation. Nothing in this
 772 section shall prevent the member elected by construction or
 773 maintenance companies from being an employee of an association
 774 affiliated with the industry, even if the sole responsibility of
 775 that member is service on the board. Travel expenses for the
 776 industry member may be paid by an industry association, if
 777 necessary. The board may allocate funds annually for clerical
 778 and other administrative services.

779 Section 14. Subsection (1) of section 337.403, Florida
 780 Statutes, is amended to read:

781 337.403 Relocation of utility; expenses.--

782 (1) Any utility heretofore or hereafter placed upon,
 783 under, over, or along any public road or publicly owned rail
 784 corridor that is found by the authority to be unreasonably

785 interfering in any way with the convenient, safe, or continuous
 786 use, or the maintenance, improvement, extension, or expansion,
 787 of such public road or publicly owned rail corridor shall, upon
 788 30 days' written notice to the utility or its agent by the
 789 authority, be removed or relocated by such utility at its own
 790 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~
 791 ~~(e)~~.

792 (a) If the relocation of utility facilities, as referred
 793 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 794 627 of the 84th Congress, is necessitated by the construction of
 795 a project on the federal-aid interstate system, including
 796 extensions thereof within urban areas, and the cost of such
 797 project is eligible and approved for reimbursement by the
 798 Federal Government to the extent of 90 percent or more under the
 799 Federal Aid Highway Act, or any amendment thereof, then in that
 800 event the utility owning or operating such facilities shall
 801 relocate such facilities upon order of the department, and the
 802 state shall pay the entire expense properly attributable to such
 803 relocation after deducting therefrom any increase in the value
 804 of the new facility and any salvage value derived from the old
 805 facility.

806 (b) When a joint agreement between the department and the
 807 utility is executed for utility improvement, relocation, or
 808 removal work to be accomplished as part of a contract for
 809 construction of a transportation facility, the department may
 810 participate in those utility improvement, relocation, or removal
 811 costs that exceed the department's official estimate of the cost
 812 of such work by more than 10 percent. The amount of such

813 participation shall be limited to the difference between the
 814 official estimate of all the work in the joint agreement plus 10
 815 percent and the amount awarded for this work in the construction
 816 contract for such work. The department may not participate in
 817 any utility improvement, relocation, or removal costs that occur
 818 as a result of changes or additions during the course of the
 819 contract.

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

825 (d) If the utility facility being removed or relocated was
 826 initially installed to exclusively serve the department, its
 827 tenants, or both the department and its tenants, the department
 828 shall bear the costs of removal or relocation of that utility
 829 facility. The department shall not be responsible, however, for
 830 bearing the cost of removal or relocation of any subsequent
 831 additions to that facility for the purpose of serving others.

832 (e) If, pursuant to an agreement between a utility and the
 833 authority entered into after the effective date of this
 834 paragraph, the utility conveys, subordinates, or relinquishes a
 835 compensable property right to the authority for the purpose of
 836 accommodating the acquisition or use of the right-of-way by the
 837 authority, without the agreement expressly addressing future
 838 responsibility for cost of removal or relocation of the utility,
 839 then the authority shall bear the cost of such removal or
 840 relocation. Nothing in this paragraph is intended to impair or

841 restrict, or be used to interpret, the terms of any such
842 agreement entered into prior to the effective date of this
843 paragraph.

844 (f) If the utility is an electric facility being relocated
845 underground in order to enhance vehicular, bicycle, and
846 pedestrian safety and in which ownership of the electric
847 facility to be placed underground has been transferred from a
848 private to a public utility within the past 5 years, the
849 department shall incur all costs of the relocation.

850 Section 15. Subsections (4) and (5) of section 337.408,
851 Florida Statutes, are amended, subsection (7) is renumbered as
852 subsection (8), and a new subsection (7) is added to that
853 section, to read:

854 337.408 Regulation of benches, transit shelters, street
855 light poles, waste disposal receptacles, public pay telephones,
856 and modular news racks within rights-of-way.--

857 (4) The department has the authority to direct the
858 immediate relocation or removal of any bench, transit shelter,
859 waste disposal receptacle, public pay telephone, or modular news
860 rack which endangers life or property, except that transit bus
861 benches which have been placed in service prior to April 1,
862 1992, are not required to comply with bench size and advertising
863 display size requirements which have been established by the
864 department prior to March 1, 1992. Any transit bus bench that
865 was in service prior to April 1, 1992, may be replaced with a
866 bus bench of the same size or smaller, if the bench is damaged
867 or destroyed or otherwise becomes unusable. The department is
868 authorized to adopt rules relating to the regulation of bench

869 size and advertising display size requirements. If a
 870 municipality or county within which a bench is to be located has
 871 adopted an ordinance or other applicable regulation that
 872 establishes bench size or advertising display sign requirements
 873 different from requirements specified in department rule, the
 874 local government requirement shall be applicable within the
 875 respective municipality or county. Placement of any bench or
 876 advertising display on the National Highway System under a local
 877 ordinance or regulation adopted pursuant to this subsection
 878 shall be subject to approval of the Federal Highway
 879 Administration.

880 (5) No bench, transit shelter, waste disposal receptacle,
 881 public pay telephone, or modular news rack, or advertising
 882 thereon, shall be erected or so placed on the right-of-way of
 883 any road which conflicts with the requirements of federal law,
 884 regulations, or safety standards, thereby causing the state or
 885 any political subdivision the loss of federal funds. Competition
 886 among persons seeking to provide bench, transit shelter, waste
 887 disposal receptacle, or modular news rack services or
 888 advertising on such benches, shelters, receptacles, or news
 889 racks may be regulated, restricted, or denied by the appropriate
 890 local government entity consistent with the provisions of this
 891 section.

892 (7) Public pay telephones, including advertising displayed
 893 thereon, may be installed within the right-of-way limits of any
 894 municipal, county, or state road, except on a limited access
 895 highway, provided that such pay telephones are installed by a
 896 provider duly authorized and regulated by the Public Service

897 Commission pursuant to s. 364.3375, that such pay telephones are
 898 operated in accordance with all applicable state and federal
 899 telecommunications regulations, and that written authorization
 900 has been given to a public pay telephone provider by the
 901 appropriate municipal or county government. Each advertisement
 902 shall be limited to a size no greater than 8 square feet and no
 903 public pay telephone booth shall display more than 3 such
 904 advertisements at any given time. No advertisements shall be
 905 allowed on public pay telephones located in rest areas, welcome
 906 centers, and other such facilities located on an interstate
 907 highway.

908 Section 16. Subsection (6) is added to section 338.01,
 909 Florida Statutes, to read:

910 338.01 Authority to establish and regulate limited access
 911 facilities.--

912 (6) All new limited access facilities and existing
 913 transportation facilities on which new or replacement electronic
 914 toll collection systems are installed shall be interoperable
 915 with the department's electronic toll collection system.

916 Section 17. Section 338.165, Florida Statutes, is amended
 917 to read:

918 338.165 Continuation of tolls.--

919 (1) The department, any transportation or expressway
 920 authority or, in the absence of an authority, a county or
 921 counties may continue to collect the toll on a revenue-producing
 922 project after the discharge of any bond indebtedness related to
 923 such project and may increase such toll. All tolls so collected
 924 shall first be used to pay the annual cost of the operation,

925 maintenance, and improvement of the toll project.

926 (2) If the revenue-producing project is on the State
 927 Highway System, any remaining toll revenue shall be used within
 928 the county or counties in which the revenue-producing project is
 929 located for the construction, maintenance, or improvement of any
 930 road on the State Highway System or public transit ~~within the~~
 931 ~~county or counties in which the revenue-producing project is~~
 932 ~~located~~, except as provided in s. 348.0004.

933 (3) Notwithstanding any other provision of law, the
 934 department, including the turnpike enterprise, shall index toll
 935 rates on existing toll facilities to the annual Consumer Price
 936 Index or similar inflation indicators. Toll rate adjustments for
 937 inflation under this subsection may be made no more frequently
 938 than once a year and must be made no less frequently than once
 939 every 5 years as necessary to accommodate cash toll rate
 940 schedules. Toll rates may be increased beyond these limits as
 941 directed by bond documents, covenants, or governing body
 942 authorization or pursuant to department administrative rule.
 943 This subsection does not apply to toll rates on high-occupancy
 944 toll lanes or express lanes.

945 (4) Notwithstanding any other law to the contrary,
 946 pursuant to s. 11, Art. VII of the State Constitution, and
 947 subject to the requirements of subsection (2), the Department of
 948 Transportation may request the Division of Bond Finance to issue
 949 bonds secured by toll revenues to be ~~collected on the Alligator~~
 950 ~~Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway,~~
 951 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
 952 transportation projects located within the county or counties in

953 | which the project is located and contained in the adopted work
 954 | program of the department.

955 | (5) If the revenue-producing project is on the county road
 956 | system, any remaining toll revenue shall be used for the
 957 | construction, maintenance, or improvement of any other state or
 958 | county road within the county or counties in which the revenue-
 959 | producing project is located, except as provided in s. 348.0004.

960 | (6) Selection of projects on the State Highway System for
 961 | construction, maintenance, or improvement with toll revenues
 962 | shall be, with the concurrence of the department, consistent
 963 | with the Florida Transportation Plan.

964 | (7) Notwithstanding the provisions of subsection (1), and
 965 | not including high occupancy toll lanes or express lanes, no
 966 | tolls may be charged for use of an interstate highway where
 967 | tolls were not charged as of July 1, 1997.

968 | (8) With the exception of subsection (3), this section
 969 | does not apply to the turnpike system as defined under the
 970 | Florida Turnpike Enterprise Law.

971 | Section 18. Paragraph (d) is added to subsection (1) of
 972 | section 338.2216, Florida Statutes, to read:

973 | 338.2216 Florida Turnpike Enterprise; powers and
 974 | authority.--

975 | (1)

976 | (d) The Florida Turnpike Enterprise is directed to pursue
 977 | and implement new technologies and processes in its operations
 978 | and collection of tolls and the collection of other amounts
 979 | associated with road and infrastructure usage. Such technologies
 980 | and processes shall include, without limitation, video and other

981 image-based billing methods and variable pricing.

982 Section 19. Paragraph (b) of subsection (1) of section
 983 338.223, Florida Statutes, is amended to read:

984 338.223 Proposed turnpike projects.--

985 (1)

986 (b) Any proposed turnpike project or improvement shall be
 987 developed in accordance with the Florida Transportation Plan and
 988 the work program pursuant to s. 339.135. Turnpike projects that
 989 add capacity, alter access, affect feeder roads, or affect the
 990 operation of the local transportation system shall be included
 991 in the transportation improvement plan of the affected
 992 metropolitan planning organization. If such turnpike project
 993 does not fall within the jurisdiction of a metropolitan planning
 994 organization, the department shall notify the affected county
 995 and provide for public hearings in accordance with s.
 996 339.155 (5) ~~(6)~~ (c).

997 Section 20. Section 338.231, Florida Statutes, is amended
 998 to read:

999 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1000 revenues.--The department shall at all times fix, adjust,
 1001 charge, and collect such tolls for the use of the turnpike
 1002 system as are required in order to provide a fund sufficient
 1003 with other revenues of the turnpike system to pay the cost of
 1004 maintaining, improving, repairing, and operating such turnpike
 1005 system; to pay the principal of and interest on all bonds issued
 1006 to finance or refinance any portion of the turnpike system as
 1007 the same become due and payable; and to create reserves for all
 1008 such purposes.

1009 ~~(1) In the process of effectuating toll rate increases~~
 1010 ~~over the period 1988 through 1992, the department shall, to the~~
 1011 ~~maximum extent feasible, equalize the toll structure, within~~
 1012 ~~each vehicle classification, so that the per mile toll rate will~~
 1013 ~~be approximately the same throughout the turnpike system. New~~
 1014 ~~turnpike projects may have toll rates higher than the uniform~~
 1015 ~~system rate where such higher toll rates are necessary to~~
 1016 ~~qualify the project in accordance with the financial criteria in~~
 1017 ~~the turnpike law. Such higher rates may be reduced to the~~
 1018 ~~uniform system rate when the project is generating sufficient~~
 1019 ~~revenues to pay the full amount of debt service and operating~~
 1020 ~~and maintenance costs at the uniform system rate. If, after 15~~
 1021 ~~years of opening to traffic, the annual revenue of a turnpike~~
 1022 ~~project does not meet or exceed the annual debt service~~
 1023 ~~requirements and operating and maintenance costs attributable to~~
 1024 ~~such project, the department shall, to the maximum extent~~
 1025 ~~feasible, establish a toll rate for the project which is higher~~
 1026 ~~than the uniform system rate as necessary to meet such annual~~
 1027 ~~debt service requirements and operating and maintenance costs.~~
 1028 ~~The department may, to the extent feasible, establish a~~
 1029 ~~temporary toll rate at less than the uniform system rate for the~~
 1030 ~~purpose of building patronage for the ultimate benefit of the~~
 1031 ~~turnpike system. In no case shall the temporary rate be~~
 1032 ~~established for more than 1 year. The requirements of this~~
 1033 ~~subsection shall not apply when the application of such~~
 1034 ~~requirements would violate any covenant established in a~~
 1035 ~~resolution or trust indenture relating to the issuance of~~
 1036 ~~turnpike bonds.~~

1037 (1)~~(2)~~ Notwithstanding any other provision of law, the
 1038 department may defer the scheduled July 1, 1993, toll rate
 1039 increase on the Homestead Extension of the Florida Turnpike
 1040 until July 1, 1995. The department may also advance funds to the
 1041 Turnpike General Reserve Trust Fund to replace estimated lost
 1042 revenues resulting from this deferral. The amount advanced must
 1043 be repaid within 12 years from the date of advance; however, the
 1044 repayment is subordinate to all other debt financing of the
 1045 turnpike system outstanding at the time repayment is due.

1046 (2)~~(3)~~ The department shall publish a proposed change in
 1047 the toll rate for the use of an existing toll facility, in the
 1048 manner provided for in s. 120.54, which will provide for public
 1049 notice and the opportunity for a public hearing before the
 1050 adoption of the proposed rate change. When the department is
 1051 evaluating a proposed turnpike toll project under s. 338.223 and
 1052 has determined that there is a high probability that the project
 1053 will pass the test of economic feasibility predicated on
 1054 proposed toll rates, the toll rate that is proposed to be
 1055 charged after the project is constructed must be adopted during
 1056 the planning and project development phase of the project, in
 1057 the manner provided for in s. 120.54, including public notice
 1058 and the opportunity for a public hearing. For such a new
 1059 project, the toll rate becomes effective upon the opening of the
 1060 project to traffic.

1061 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
 1062 2017, the department shall, to the maximum extent feasible,
 1063 program sufficient funds in the tentative work program such that
 1064 the percentage of turnpike toll and bond financed commitments in

1065 Miami-Dade County, Broward County, and Palm Beach County as
 1066 compared to total turnpike toll and bond financed commitments
 1067 shall be at least 90 percent of the share of net toll
 1068 collections attributable to users of the turnpike system in
 1069 Miami-Dade County, Broward County, and Palm Beach County as
 1070 compared to total net toll collections attributable to users of
 1071 the turnpike system. The requirements of this subsection do not
 1072 apply when the application of such requirements would violate
 1073 any covenant established in a resolution or trust indenture
 1074 relating to the issuance of turnpike bonds. The department at
 1075 any time for economic considerations may establish lower
 1076 temporary toll rates for a new or existing toll facility for a
 1077 period not to exceed 1 year, after which the toll rates
 1078 promulgated under s. 120.54 shall become effective.

1079 (b) The department shall also fix, adjust, charge, and
 1080 collect such amounts needed to cover the costs of administering
 1081 the different toll collection and payment methods and types of
 1082 accounts being offered and utilized, in the manner provided for
 1083 in s. 120.54, which will provide for public notice and the
 1084 opportunity for a public hearing before adoption. Such amounts
 1085 may stand alone, be incorporated in a toll rate structure, or be
 1086 a combination thereof.

1087 (4)-(5) When bonds are outstanding which have been issued
 1088 to finance or refinance any turnpike project, the tolls and all
 1089 other revenues derived from the turnpike system and pledged to
 1090 such bonds shall be set aside as may be provided in the
 1091 resolution authorizing the issuance of such bonds or the trust
 1092 agreement securing the same. The tolls or other revenues or

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1093 other moneys so pledged and thereafter received by the
 1094 department are immediately subject to the lien of such pledge
 1095 without any physical delivery thereof or further act. The lien
 1096 of any such pledge is valid and binding as against all parties
 1097 having claims of any kind in tort or contract or otherwise
 1098 against the department irrespective of whether such parties have
 1099 notice thereof. Neither the resolution nor any trust agreement
 1100 by which a pledge is created need be filed or recorded except in
 1101 the records of the department.

1102 (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1103 Broward County Expressway Authority series 1984 and series 1986-
 1104 A remain outstanding, the department is authorized to pledge
 1105 revenues from the turnpike system to the payment of principal
 1106 and interest of such series of bonds and the operation and
 1107 maintenance expenses of the Sawgrass Expressway, to the extent
 1108 gross toll revenues of the Sawgrass Expressway are insufficient
 1109 to make such payments. The terms of an agreement relative to the
 1110 pledge of turnpike system revenue will be negotiated with the
 1111 parties of the 1984 and 1986 Broward County Expressway Authority
 1112 lease-purchase agreements, and subject to the covenants of those
 1113 agreements. The agreement shall establish that the Sawgrass
 1114 Expressway shall be subject to the planning, management, and
 1115 operating control of the department limited only by the terms of
 1116 the lease-purchase agreements. The department shall provide for
 1117 the payment of operation and maintenance expenses of the
 1118 Sawgrass Expressway until such agreement is in effect. This
 1119 pledge of turnpike system revenues shall be subordinate to the
 1120 debt service requirements of any future issue of turnpike bonds,

1121 the payment of turnpike system operation and maintenance
 1122 expenses, and subject to provisions of any subsequent resolution
 1123 or trust indenture relating to the issuance of such turnpike
 1124 bonds.

1125 (6)~~(7)~~ The use and disposition of revenues pledged to
 1126 bonds are subject to the provisions of ss. 338.22-338.241 and
 1127 such regulations as the resolution authorizing the issuance of
 1128 such bonds or such trust agreement may provide.

1129 Section 21. Subsection (4) of section 339.12, Florida
 1130 Statutes, is amended to read:

1131 339.12 Aid and contributions by governmental entities for
 1132 department projects; federal aid.--

1133 (4) (a) Prior to accepting the contribution of road bond
 1134 proceeds, time warrants, or cash for which reimbursement is
 1135 sought, the department shall enter into agreements with the
 1136 governing body of the governmental entity for the project or
 1137 project phases in accordance with specifications agreed upon
 1138 between the department and the governing body of the
 1139 governmental entity. The department in no instance is to receive
 1140 from such governmental entity an amount in excess of the actual
 1141 cost of the project or project phase. By specific provision in
 1142 the written agreement between the department and the governing
 1143 body of the governmental entity, the department may agree to
 1144 reimburse the governmental entity for the actual amount of the
 1145 bond proceeds, time warrants, or cash used on a highway project
 1146 or project phases that are not revenue producing and are
 1147 contained in the department's adopted work program, or any
 1148 public transportation project contained in the adopted work

1149 program. Subject to appropriation of funds by the Legislature,
 1150 the department may commit state funds for reimbursement of such
 1151 projects or project phases. Reimbursement to the governmental
 1152 entity for such a project or project phase must be made from
 1153 funds appropriated by the Legislature, and reimbursement for the
 1154 cost of the project or project phase is to begin in the year the
 1155 project or project phase is scheduled in the work program as of
 1156 the date of the agreement. Funds advanced pursuant to this
 1157 section, which were originally designated for transportation
 1158 purposes and so reimbursed to a county or municipality, shall be
 1159 used by the county or municipality for any transportation
 1160 expenditure authorized under s. 336.025(7). Also, cities and
 1161 counties may receive funds from persons, and reimburse those
 1162 persons, for the purposes of this section. Such persons may
 1163 include, but are not limited to, those persons defined in s.
 1164 607.01401(19).

1165 (b) Prior to entering an agreement to advance a project or
 1166 project phase pursuant to this subsection and subsection (5),
 1167 the department shall first update the estimated cost of the
 1168 project or project phase and certify that the estimate is
 1169 accurate and consistent with the amount estimated in the adopted
 1170 work program. If the original estimate and the updated estimate
 1171 vary, the department shall amend the adopted work program
 1172 according to the amendatory procedures for the work program set
 1173 forth in s. 339.135(7). The amendment shall reflect all
 1174 corresponding increases and decreases to the affected projects
 1175 within the adopted work program.

1176 (c) The department may enter into agreements under this

1177 subsection for a project or project phase not included in the
 1178 adopted work program. As used in this paragraph, the term
 1179 "project phase" means acquisition of rights-of-way,
 1180 construction, construction inspection, and related support
 1181 phases. The project or project phase must be a high priority of
 1182 the governmental entity. Reimbursement for a project or project
 1183 phase must be made from funds appropriated by the Legislature
 1184 pursuant to s. 339.135(5). All other provisions of this
 1185 subsection apply to agreements entered into under this
 1186 paragraph. The total amount of project agreements for projects
 1187 or project phases not included in the adopted work program
 1188 authorized by this paragraph may not at any time exceed \$250
 1189 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
 1190 limit and any similar limit in s. 334.30, project advances for
 1191 any inland county with a population greater than 500,000
 1192 dedicating amounts equal to \$500 million or more of its Local
 1193 Government Infrastructure Surtax pursuant to s. 212.055(2) for
 1194 improvements to the State Highway System which are included in
 1195 the local metropolitan planning organization's or the
 1196 department's long-range transportation plans shall be excluded
 1197 from the calculation of the statewide limit of project advances.

1198 (d) The department may enter into agreements under this
 1199 subsection with any county that has a population of 150,000 or
 1200 less, as determined by the most recent official estimate
 1201 pursuant to s. 186.901, for a project or project phase not
 1202 included in the adopted work program. As used in this paragraph,
 1203 the term "project phase" means acquisition of rights-of-way,
 1204 construction, construction inspection, and related support

1205 phases. The project or project phase must be a high priority of
 1206 the governmental entity. Reimbursement for a project or project
 1207 phase must be made from funds appropriated by the Legislature
 1208 pursuant to s. 339.135(5). All other provisions of this
 1209 subsection apply to agreements entered into under this
 1210 paragraph. The total amount of project agreements for projects
 1211 or project phases not included in the adopted work program
 1212 authorized by this paragraph may not at any time exceed \$200
 1213 million. The project must be included in the local government's
 1214 adopted comprehensive plan. The department is authorized to
 1215 enter into long-term repayment agreements of up to 30 years.

1216 Section 22. Paragraph (d) of subsection (7) of section
 1217 339.135, Florida Statutes, is amended to read:

1218 339.135 Work program; legislative budget request;
 1219 definitions; preparation, adoption, execution, and amendment.--

1220 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1221 (d)1. Whenever the department proposes any amendment to
 1222 the adopted work program, as defined in subparagraph (c)1. or
 1223 subparagraph (c)3., which deletes or defers a construction phase
 1224 on a capacity project, it shall notify each county affected by
 1225 the amendment and each municipality within the county. The
 1226 notification shall be issued in writing to the chief elected
 1227 official of each affected county and each municipality within
 1228 the county and the chair of each affected metropolitan planning
 1229 organization. Each affected county, and each municipality in the
 1230 county, is encouraged to coordinate with each other to determine
 1231 how the amendment affects local concurrency management and
 1232 regional transportation planning efforts. Each affected county,

1233 and each municipality within the county, shall have 14 days to
 1234 provide written comments to the department regarding how the
 1235 amendment will affect its respective concurrency management
 1236 systems, including whether any development permits were issued
 1237 contingent upon the capacity improvement, if applicable. After
 1238 receipt of written comments from the affected local governments,
 1239 the department shall include any written comments submitted by
 1240 such local governments in its preparation of the proposed
 1241 amendment.

1242 2. Following the 14-day comment period in subparagraph 1.,
 1243 if applicable, whenever the department proposes any amendment to
 1244 the adopted work program, which amendment is defined in
 1245 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 1246 subparagraph (c)4., it shall submit the proposed amendment to
 1247 the Governor for approval and shall immediately notify the
 1248 chairs of the legislative appropriations committees, the chairs
 1249 of the legislative transportation committees, and each member of
 1250 the Legislature who represents a district affected by the
 1251 proposed amendment. It shall also notify each metropolitan
 1252 planning organization affected by the proposed amendment, and
 1253 each unit of local government affected by the proposed
 1254 amendment, unless it provided to each the notification required
 1255 by subparagraph 1. Such proposed amendment shall provide a
 1256 complete justification of the need for the proposed amendment.

1257 ~~3.2.~~ The Governor shall not approve a proposed amendment
 1258 until 14 days following the notification required in
 1259 subparagraph 2. ~~1.~~

1260 ~~4.3.~~ If either of the chairs of the legislative

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1261 appropriations committees or the President of the Senate or the
 1262 Speaker of the House of Representatives objects in writing to a
 1263 proposed amendment within 14 days following notification and
 1264 specifies the reasons for such objection, the Governor shall
 1265 disapprove the proposed amendment.

1266 Section 23. Section 339.155, Florida Statutes, is amended
 1267 to read:

1268 339.155 Transportation planning.--

1269 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 1270 develop and annually update a statewide transportation plan, to
 1271 be known as the Florida Transportation Plan. The plan shall be
 1272 designed so as to be easily read and understood by the general
 1273 public. The purpose of the Florida Transportation Plan is to
 1274 establish and define the state's long-range transportation goals
 1275 and objectives to be accomplished over a period of at least 20
 1276 years within the context of the State Comprehensive Plan, and
 1277 any other statutory mandates and authorizations and based upon
 1278 the prevailing principles of: preserving the existing
 1279 transportation infrastructure; enhancing Florida's economic
 1280 competitiveness; and improving travel choices to ensure
 1281 mobility. The Florida Transportation Plan shall consider the
 1282 needs of the entire state transportation system and examine the
 1283 use of all modes of transportation to effectively and
 1284 efficiently meet such needs.

1285 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 1286 out a transportation planning process in conformance with s.
 1287 334.046(1). ~~which provides for consideration of projects and~~
 1288 ~~strategies that will:~~

- 1289 ~~(a) Support the economic vitality of the United States,~~
- 1290 ~~Florida, and the metropolitan areas, especially by enabling~~
- 1291 ~~global competitiveness, productivity, and efficiency;~~
- 1292 ~~(b) Increase the safety and security of the transportation~~
- 1293 ~~system for motorized and nonmotorized users;~~
- 1294 ~~(c) Increase the accessibility and mobility options~~
- 1295 ~~available to people and for freight;~~
- 1296 ~~(d) Protect and enhance the environment, promote energy~~
- 1297 ~~conservation, and improve quality of life;~~
- 1298 ~~(e) Enhance the integration and connectivity of the~~
- 1299 ~~transportation system, across and between modes throughout~~
- 1300 ~~Florida, for people and freight;~~
- 1301 ~~(f) Promote efficient system management and operation; and~~
- 1302 ~~(g) Emphasize the preservation of the existing~~
- 1303 ~~transportation system.~~

1304 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 1305 Transportation Plan shall be a unified, concise planning
 1306 document that clearly defines the state's long-range
 1307 transportation goals and objectives ~~and documents the~~
 1308 ~~department's short-range objectives developed to further such~~
 1309 ~~goals and objectives.~~ The plan shall:

- 1310 (a) Include a glossary that clearly and succinctly defines
- 1311 any and all phrases, words, or terms of art included in the
- 1312 plan, with which the general public may be unfamiliar. ~~and shall~~
- 1313 ~~consist of, at a minimum, the following components:~~
- 1314 (b)-(a) Document A long-range component documenting the
- 1315 goals and long-term objectives necessary to implement the
- 1316 results of the department's findings from its examination of the

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1317 prevailing principles and criteria provided under ~~listed in~~
1318 subsection (2) and s. 334.046(1). ~~The long-range component must~~

1319 (c) Be developed in cooperation with the metropolitan
1320 planning organizations and reconciled, to the maximum extent
1321 feasible, with the long-range plans developed by metropolitan
1322 planning organizations pursuant to s. 339.175. ~~The plan must~~
1323 ~~also~~

1324 (d) Be developed in consultation with affected local
1325 officials in nonmetropolitan areas and with any affected Indian
1326 tribal governments. ~~The plan must~~

1327 (e) Provide an examination of transportation issues likely
1328 to arise during at least a 20-year period. ~~The long-range~~
1329 ~~component shall~~

1330 (f) Be updated at least once every 5 years, or more often
1331 as necessary, to reflect substantive changes to federal or state
1332 law.

1333 ~~(b) A short-range component documenting the short-term~~
1334 ~~objectives and strategies necessary to implement the goals and~~
1335 ~~long-term objectives contained in the long-range component. The~~
1336 ~~short-range component must define the relationship between the~~
1337 ~~long-range goals and the short-range objectives, specify those~~
1338 ~~objectives against which the department's achievement of such~~
1339 ~~goals will be measured, and identify transportation strategies~~
1340 ~~necessary to efficiently achieve the goals and objectives in the~~
1341 ~~plan. It must provide a policy framework within which the~~
1342 ~~department's legislative budget request, the strategic~~
1343 ~~information resource management plan, and the work program are~~
1344 ~~developed. The short-range component shall serve as the~~

1345 ~~department's annual agency strategic plan pursuant to s.~~
 1346 ~~186.021. The short-range component shall be developed consistent~~
 1347 ~~with available and forecasted state and federal funds. The~~
 1348 ~~short-range component shall also be submitted to the Florida~~
 1349 ~~Transportation Commission.~~

1350 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 1351 ~~develop an annual performance report evaluating the operation of~~
 1352 ~~the department for the preceding fiscal year. The report shall~~
 1353 ~~also include a summary of the financial operations of the~~
 1354 ~~department and shall annually evaluate how well the adopted work~~
 1355 ~~program meets the short-term objectives contained in the short-~~
 1356 ~~range component of the Florida Transportation Plan. This~~
 1357 ~~performance report shall be submitted to the Florida~~
 1358 ~~Transportation Commission and the legislative appropriations and~~
 1359 ~~transportation committees.~~

1360 ~~(4)(5) ADDITIONAL TRANSPORTATION PLANS.--~~

1361 (a) Upon request by local governmental entities, the
 1362 department may in its discretion develop and design
 1363 transportation corridors, arterial and collector streets,
 1364 vehicular parking areas, and other support facilities which are
 1365 consistent with the plans of the department for major
 1366 transportation facilities. The department may render to local
 1367 governmental entities or their planning agencies such technical
 1368 assistance and services as are necessary so that local plans and
 1369 facilities are coordinated with the plans and facilities of the
 1370 department.

1371 (b) Each regional planning council, as provided for in s.
 1372 186.504, or any successor agency thereto, shall develop, as an

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1373 element of its strategic regional policy plan, transportation
1374 goals and policies. The transportation goals and policies must
1375 be prioritized to comply with the prevailing principles provided
1376 in subsection (2) and s. 334.046(1). The transportation goals
1377 and policies shall be consistent, to the maximum extent
1378 feasible, with the goals and policies of the metropolitan
1379 planning organization and the Florida Transportation Plan. The
1380 transportation goals and policies of the regional planning
1381 council will be advisory only and shall be submitted to the
1382 department and any affected metropolitan planning organization
1383 for their consideration and comments. Metropolitan planning
1384 organization plans and other local transportation plans shall be
1385 developed consistent, to the maximum extent feasible, with the
1386 regional transportation goals and policies. The regional
1387 planning council shall review urbanized area transportation
1388 plans and any other planning products stipulated in s. 339.175
1389 and provide the department and respective metropolitan planning
1390 organizations with written recommendations which the department
1391 and the metropolitan planning organizations shall take under
1392 advisement. Further, the regional planning councils shall
1393 directly assist local governments which are not part of a
1394 metropolitan area transportation planning process in the
1395 development of the transportation element of their comprehensive
1396 plans as required by s. 163.3177.

1397 (c) Regional transportation plans may be developed in
1398 regional transportation areas in accordance with an interlocal
1399 agreement entered into pursuant to s. 163.01 by two or more
1400 contiguous metropolitan planning organizations; one or more

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1401 metropolitan planning organizations and one or more contiguous
1402 counties, none of which is a member of a metropolitan planning
1403 organization; a multicounty regional transportation authority
1404 created by or pursuant to law; two or more contiguous counties
1405 that are not members of a metropolitan planning organization; or
1406 metropolitan planning organizations comprised of three or more
1407 counties.

1408 (d) The interlocal agreement must, at a minimum, identify
1409 the entity that will coordinate the development of the regional
1410 transportation plan; delineate the boundaries of the regional
1411 transportation area; provide the duration of the agreement and
1412 specify how the agreement may be terminated, modified, or
1413 rescinded; describe the process by which the regional
1414 transportation plan will be developed; and provide how members
1415 of the entity will resolve disagreements regarding
1416 interpretation of the interlocal agreement or disputes relating
1417 to the development or content of the regional transportation
1418 plan. Such interlocal agreement shall become effective upon its
1419 recordation in the official public records of each county in the
1420 regional transportation area.

1421 (e) The regional transportation plan developed pursuant to
1422 this section must, at a minimum, identify regionally significant
1423 transportation facilities located within a regional
1424 transportation area and contain a prioritized list of regionally
1425 significant projects. The level-of-service standards for
1426 facilities to be funded under this subsection shall be adopted
1427 by the appropriate local government in accordance with s.
1428 163.3180(10). The projects shall be adopted into the capital

1429 improvements schedule of the local government comprehensive plan
 1430 pursuant to s. 163.3177(3).

1431 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1432 TRANSPORTATION PLANNING.--

1433 (a) During the development of the ~~long-range component of~~
 1434 ~~the~~ Florida Transportation Plan and prior to substantive
 1435 revisions, the department shall provide citizens, affected
 1436 public agencies, representatives of transportation agency
 1437 employees, other affected employee representatives, private
 1438 providers of transportation, and other known interested parties
 1439 with an opportunity to comment on the proposed plan or
 1440 revisions. These opportunities shall include, at a minimum,
 1441 publishing a notice in the Florida Administrative Weekly and
 1442 within a newspaper of general circulation within the area of
 1443 each department district office.

1444 (b) During development of major transportation
 1445 improvements, such as those increasing the capacity of a
 1446 facility through the addition of new lanes or providing new
 1447 access to a limited or controlled access facility or
 1448 construction of a facility in a new location, the department
 1449 shall hold one or more hearings prior to the selection of the
 1450 facility to be provided; prior to the selection of the site or
 1451 corridor of the proposed facility; and prior to the selection of
 1452 and commitment to a specific design proposal for the proposed
 1453 facility. Such public hearings shall be conducted so as to
 1454 provide an opportunity for effective participation by interested
 1455 persons in the process of transportation planning and site and
 1456 route selection and in the specific location and design of

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1457 transportation facilities. The various factors involved in the
1458 decision or decisions and any alternative proposals shall be
1459 clearly presented so that the persons attending the hearing may
1460 present their views relating to the decision or decisions which
1461 will be made.

1462 (c) Opportunity for design hearings:

1463 1. The department, prior to holding a design hearing,
1464 shall duly notify all affected property owners of record, as
1465 recorded in the property appraiser's office, by mail at least 20
1466 days prior to the date set for the hearing. The affected
1467 property owners shall be:

1468 a. Those whose property lies in whole or in part within
1469 300 feet on either side of the centerline of the proposed
1470 facility.

1471 b. Those whom the department determines will be
1472 substantially affected environmentally, economically, socially,
1473 or safetywise.

1474 2. For each subsequent hearing, the department shall
1475 publish notice prior to the hearing date in a newspaper of
1476 general circulation for the area affected. These notices must be
1477 published twice, with the first notice appearing at least 15
1478 days, but no later than 30 days, before the hearing.

1479 3. A copy of the notice of opportunity for the hearing
1480 must be furnished to the United States Department of
1481 Transportation and to the appropriate departments of the state
1482 government at the time of publication.

1483 4. The opportunity for another hearing shall be afforded
1484 in any case when proposed locations or designs are so changed

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1485 from those presented in the notices specified above or at a
 1486 hearing as to have a substantially different social, economic,
 1487 or environmental effect.

1488 5. The opportunity for a hearing shall be afforded in each
 1489 case in which the department is in doubt as to whether a hearing
 1490 is required.

1491 Section 24. Subsection (3) and paragraphs (b) and (c) of
 1492 subsection (4) of section 339.2816, Florida Statutes, are
 1493 amended to read:

1494 339.2816 Small County Road Assistance Program.--

1495 (3) Beginning with fiscal year 1999-2000 until fiscal year
 1496 2009-2010, and beginning again with fiscal year 2012-2013, up to
 1497 \$25 million annually from the State Transportation Trust Fund
 1498 may be used for the purposes of funding the Small County Road
 1499 Assistance Program as described in this section.

1500 (4)

1501 (b) In determining a county's eligibility for assistance
 1502 under this program, the department may consider whether the
 1503 county has attempted to keep county roads in satisfactory
 1504 condition, including the amount of local option fuel tax ~~and ad~~
 1505 ~~valorem millage rate~~ imposed by the county. The department may
 1506 also consider the extent to which the county has offered to
 1507 provide a match of local funds with state funds provided under
 1508 the program. At a minimum, small counties shall be eligible only
 1509 if:

1510 ~~1.~~ the county has enacted the maximum rate of the local
 1511 option fuel tax authorized by s. 336.025(1)(a) .7, ~~and has imposed~~
 1512 ~~an ad valorem millage rate of at least 8 mills; or~~

1513 ~~2. The county has imposed an ad valorem millage rate of 10~~
 1514 ~~mills.~~

1515 (c) The following criteria shall be used to prioritize
 1516 road projects for funding under the program:

1517 1. The primary criterion is the physical condition of the
 1518 road as measured by the department.

1519 2. As secondary criteria the department may consider:

1520 a. Whether a road is used as an evacuation route.

1521 b. Whether a road has high levels of agricultural travel.

1522 c. Whether a road is considered a major arterial route.

1523 d. Whether a road is considered a feeder road.

1524 e. Whether a road is located in a fiscally constrained
 1525 county, as defined in s. 218.67(1).

1526 ~~f.e.~~ Other criteria related to the impact of a project on
 1527 the public road system or on the state or local economy as
 1528 determined by the department.

1529 Section 25. Subsections (1) and (3) of section 339.2819,
 1530 Florida Statutes, are amended to read:

1531 339.2819 Transportation Regional Incentive Program.--

1532 (1) There is created within the Department of
 1533 Transportation a Transportation Regional Incentive Program for
 1534 the purpose of providing funds to improve regionally significant
 1535 transportation facilities in regional transportation areas
 1536 created pursuant to s. 339.155(4)~~(5)~~.

1537 (3) The department shall allocate funding available for
 1538 the Transportation Regional Incentive Program to the districts
 1539 based on a factor derived from equal parts of population and
 1540 motor fuel collections for eligible counties in regional

1541 transportation areas created pursuant to s. 339.155 (4) ~~(5)~~.

1542 Section 26. Subsection (6) of section 339.285, Florida
1543 Statutes, is amended to read:

1544 339.285 Enhanced Bridge Program for Sustainable
1545 Transportation.--

1546 (6) Preference shall be given to bridge projects located
1547 on corridors that connect to the Strategic Intermodal System,
1548 created under s. 339.64, and that have been identified as
1549 regionally significant in accordance with s. 339.155 (4) ~~(5)~~ (c),
1550 (d), and (e).

1551 Section 27. Part III of chapter 343, Florida Statutes,
1552 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
1553 343.76, and 343.77, is repealed.

1554 Section 28. Subsection (4) of section 348.0003, Florida
1555 Statutes, is amended to read:

1556 348.0003 ~~Expressway~~ Authority; formation and
1557 membership.--

1558 (4)

1559 (c) Members of each expressway an authority,
1560 transportation authority, bridge authority, or toll authority,
1561 created pursuant to this chapter, chapter 343, or chapter 349,
1562 or pursuant to any other legislative enactment, shall be
1563 required to comply with the applicable financial disclosure
1564 requirements of s. 8, Art. II of the State Constitution. This
1565 paragraph does not subject a statutorily created expressway
1566 authority, transportation authority, bridge authority, or toll
1567 authority, other than one created under this part, to any of the
1568 requirements of this part other than those contained in this

1569 paragraph.

1570 Section 29. Paragraph (c) is added to subsection (1) of
 1571 section 348.0004, Florida Statutes, to read:

1572 348.0004 Purposes and powers.--

1573 (1)

1574 (c) Notwithstanding any other provision of law, expressway
 1575 authorities created under chapter 348 may index toll rates on
 1576 toll facilities to the annual Consumer Price Index or similar
 1577 inflation indicators. Once a toll rate index has been
 1578 implemented pursuant to this paragraph, the toll rate index
 1579 shall remain in place and may not be revoked. The toll rate
 1580 index for inflation under this subsection must be adopted and
 1581 approved by the expressway authority board at a public meeting
 1582 and may be made no more frequently than once a year and must be
 1583 made no less frequently than once every 5 years as necessary to
 1584 accommodate cash toll rate schedules. Toll rates may be
 1585 increased beyond these limits as directed by bond documents,
 1586 covenants, or governing body authorizations or pursuant to
 1587 department administrative rule.

1588 Section 30. Subsection (1) of section 479.01, Florida
 1589 Statutes, is amended to read:

1590 479.01 Definitions.--As used in this chapter, the term:

1591 (1) "Automatic changeable facing" means a facing that
 1592 ~~which through a mechanical system~~ is capable of delivering two
 1593 or more advertising messages through an automated or remotely
 1594 controlled process and shall not rotate so rapidly as to cause
 1595 ~~distraction to a motorist.~~

1596 Section 31. Subsections (1), (5), and (9) of section

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1597 479.07, Florida Statutes, are amended to read:

1598 479.07 Sign permits.--

1599 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 1600 person may not erect, operate, use, or maintain, or cause to be
 1601 erected, operated, used, or maintained, any sign on the State
 1602 Highway System outside an urban incorporated area, as defined in
 1603 s. 334.03(32), or on any portion of the interstate or federal-
 1604 aid primary highway system without first obtaining a permit for
 1605 the sign from the department and paying the annual fee as
 1606 provided in this section. For purposes of this section, "on any
 1607 portion of the State Highway System, interstate, or federal-aid
 1608 primary system" shall mean a sign located within the controlled
 1609 area which is visible from any portion of the main-traveled way
 1610 of such system.

1611 (5)(a) For each permit issued, the department shall
 1612 furnish to the applicant a serially numbered permanent metal
 1613 permit tag. The permittee is responsible for maintaining a valid
 1614 permit tag on each permitted sign facing at all times. The tag
 1615 shall be securely attached to the sign facing or, if there is no
 1616 facing, on the pole nearest the highway; and it shall be
 1617 attached in such a manner as to be plainly visible from the
 1618 main-traveled way. Effective July 1, 2011, the tag shall be
 1619 securely attached to the upper 50 percent of the pole nearest
 1620 the highway and shall be attached in such a manner as to be
 1621 plainly visible from the main traveled way. The permit will
 1622 become void unless the permit tag is properly and permanently
 1623 displayed at the permitted site within 30 days after the date of
 1624 permit issuance. If the permittee fails to erect a completed

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1625 sign on the permitted site within 270 days after the date on
1626 which the permit was issued, the permit will be void, and the
1627 department may not issue a new permit to that permittee for the
1628 same location for 270 days after the date on which the permit
1629 became void.

1630 (b) If a permit tag is lost, stolen, or destroyed, the
1631 permittee to whom the tag was issued may ~~must~~ apply to the
1632 department for a replacement tag. The department shall establish
1633 by rule a service fee for replacement tags in an amount that
1634 will recover the actual cost of providing the replacement tag.
1635 Upon receipt of the application accompanied by the ~~a~~ service fee
1636 ~~of \$3~~, the department shall issue a replacement permit tag.
1637 Alternatively, the permittee may provide its own replacement tag
1638 pursuant to department specifications which the department shall
1639 establish by rule at the time it establishes the service fee for
1640 replacement tags.

1641 (9) (a) A permit shall not be granted for any sign for
1642 which a permit had not been granted by the effective date of
1643 this act unless such sign is located at least:

1644 1. One thousand five hundred feet from any other permitted
1645 sign on the same side of the highway, if on an interstate
1646 highway.

1647 2. One thousand feet from any other permitted sign on the
1648 same side of the highway, if on a federal-aid primary highway.

1649
1650 The minimum spacing provided in this paragraph does not preclude
1651 the permitting of V-type, back-to-back, side-to-side, stacked,
1652 or double-faced signs at the permitted sign site. If a sign is

1653 visible from the controlled area of more than one highway
 1654 subject to the jurisdiction of the department, the sign shall
 1655 meet the permitting requirements of, and, if the sign meets the
 1656 applicable permitting requirements, be permitted to, the highway
 1657 with the more stringent permitting requirements.

1658 (b) A permit shall not be granted for a sign pursuant to
 1659 this chapter to locate such sign on any portion of the
 1660 interstate or federal-aid primary highway system, which sign:

1661 1. Exceeds 50 feet in sign structure height above the
 1662 crown of the main-traveled way, if outside an incorporated area;

1663 2. Exceeds 65 feet in sign structure height above the
 1664 crown of the main-traveled way, if inside an incorporated area;
 1665 or

1666 3. Exceeds 950 square feet of sign facing including all
 1667 embellishments.

1668 (c) Notwithstanding subparagraph (a)1., there is
 1669 established a pilot program in Orange, Hillsborough, and Osceola
 1670 Counties, and within the boundaries of the City of Miami, under
 1671 which the distance between permitted signs on the same side of
 1672 an interstate highway may be reduced to 1,000 feet if all other
 1673 requirements of this chapter are met and if:

1674 1. The local government has adopted a plan, program,
 1675 resolution, ordinance, or other policy encouraging the voluntary
 1676 removal of signs in a downtown, historic, redevelopment, infill,
 1677 or other designated area which also provides for a new or
 1678 replacement sign to be erected on an interstate highway within
 1679 that jurisdiction if a sign in the designated area is removed;

1680 2. The sign owner and the local government mutually agree

1681 to the terms of the removal and replacement; and

1682 3. The local government notifies the department of its
 1683 intention to allow such removal and replacement as agreed upon
 1684 pursuant to subparagraph 2.

1685
 1686 The department shall maintain statistics tracking the use of the
 1687 provisions of this pilot program based on the notifications
 1688 received by the department from local governments under this
 1689 paragraph.

1690 (d) Nothing in this subsection shall be construed so as to
 1691 cause a sign which was conforming on October 1, 1984, to become
 1692 nonconforming.

1693 Section 32. Section 479.08, Florida Statutes, is amended
 1694 to read:

1695 479.08 Denial or revocation of permit.--The department has
 1696 the authority to deny or revoke any permit requested or granted
 1697 under this chapter in any case in which it determines that the
 1698 application for the permit contains knowingly false or knowingly
 1699 misleading information. The department has the authority to
 1700 revoke any permit granted under this chapter in any case in
 1701 which ~~or that~~ the permittee has violated any of the provisions
 1702 of this chapter, unless such permittee, within 30 days after the
 1703 receipt of notice by the department, ~~corrects such false or~~
 1704 ~~misleading information and~~ complies with the provisions of this
 1705 chapter. For the purpose of this section, the notice of
 1706 violation issued by the department shall describe in detail the
 1707 alleged violation. Any person aggrieved by any action of the
 1708 department in denying or revoking a permit under this chapter

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1709 may, within 30 days after receipt of the notice, apply to the
 1710 department for an administrative hearing pursuant to chapter
 1711 120. If a timely request for hearing has been filed and the
 1712 department issues a final order revoking a permit, such
 1713 revocation shall be effective 30 days after the date of
 1714 rendition. Except for department action pursuant to s.
 1715 479.107(1), the filing of a timely and proper notice of appeal
 1716 shall operate to stay the revocation until the department's
 1717 action is upheld.

1718 Section 33. Section 479.156, Florida Statutes, is amended
 1719 to read:

1720 479.156 Wall murals.--Notwithstanding any other provision
 1721 of this chapter, a municipality or county may permit and
 1722 regulate wall murals within areas designated by such government.
 1723 If a municipality or county permits wall murals, a wall mural
 1724 that displays a commercial message and is within 660 feet of the
 1725 nearest edge of the right-of-way within an area adjacent to the
 1726 interstate highway system or the federal-aid primary highway
 1727 system shall be located in an area that is zoned for industrial
 1728 or commercial use and the municipality or county shall establish
 1729 and enforce regulations for such areas that, at a minimum, set
 1730 forth criteria governing the size, lighting, and spacing of wall
 1731 murals consistent with the intent of the Highway Beautification
 1732 Act of 1965 and with customary use. Whenever a municipality or
 1733 county exercises such control and makes a determination of
 1734 customary use, pursuant to 23 U.S.C. s. 131(d), such
 1735 determination shall be accepted in lieu of controls in the
 1736 agreement between the state and the United States Department of

1737 Transportation, and the Department of Transportation shall
 1738 notify the Federal Highway Administration pursuant to the
 1739 agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A
 1740 wall mural that is subject to municipal or county regulation and
 1741 the Highway Beautification Act of 1965 must be approved by the
 1742 Department of Transportation and the Federal Highway
 1743 Administration where required by federal law and federal
 1744 regulation pursuant to ~~and may not violate~~ the agreement between
 1745 the state and the United States Department of Transportation and
 1746 ~~or violate~~ federal regulations enforced by the Department of
 1747 Transportation under s. 479.02(1). The existence of a wall mural
 1748 as defined in s. 479.01(27) shall not be considered in
 1749 determining whether a sign as defined in s. 479.01(17), either
 1750 existing or new, is in compliance with s. 479.07(9)(a).

1751 Section 34. Subsections (1), (3), (4), and (5) of section
 1752 479.261, Florida Statutes, are amended to read:

1753 479.261 Logo sign program.--

1754 (1) The department shall establish a logo sign program for
 1755 the rights-of-way of the interstate highway system to provide
 1756 information to motorists about available gas, food, lodging, ~~and~~
 1757 camping, attractions, and other services, as approved by the
 1758 Federal Highway Administration, at interchanges, through the use
 1759 of business logos, and may include additional interchanges under
 1760 the program. ~~A logo sign for nearby attractions may be added to~~
 1761 ~~this program if allowed by federal rules.~~

1762 (a) An "attraction," as used in this chapter, is defined
 1763 as an establishment, site, facility, or landmark that ~~which~~ is
 1764 open a minimum of 5 days a week for 52 weeks a year; that ~~which~~

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1765 ~~charges an admission for entry; which~~ has as its principal focus
1766 family-oriented entertainment, cultural, educational,
1767 recreational, scientific, or historical activities; and that
1768 ~~which~~ is publicly recognized as a bona fide tourist attraction.
1769 ~~However, the permits for businesses seeking to participate in~~
1770 ~~the attractions logo sign program shall be awarded by the~~
1771 ~~department annually to the highest bidders, notwithstanding the~~
1772 ~~limitation on fees in subsection (5), which are qualified for~~
1773 ~~available space at each qualified location, but the fees~~
1774 ~~therefor may not be less than the fees established for logo~~
1775 ~~participants in other logo categories.~~

1776 (b) The department shall incorporate the use of RV-
1777 friendly markers on specific information logo signs for
1778 establishments that cater to the needs of persons driving
1779 recreational vehicles. Establishments that qualify for
1780 participation in the specific information logo program and that
1781 also qualify as "RV-friendly" may request the RV-friendly marker
1782 on their specific information logo sign. An RV-friendly marker
1783 must consist of a design approved by the Federal Highway
1784 Administration. The department shall adopt rules in accordance
1785 with chapter 120 to administer this paragraph, including rules
1786 setting forth the minimum requirements that establishments must
1787 meet in order to qualify as RV-friendly. These requirements
1788 shall include large parking spaces, entrances, and exits that
1789 can easily accommodate recreational vehicles and facilities
1790 having appropriate overhead clearances, if applicable.

1791 (c) The department may implement a 3-year rotation-based
1792 logo program providing for the removal and addition of

1793 participating businesses in the program.

1794 (3) Logo signs may be installed upon the issuance of an
 1795 annual permit by the department or its agent and payment of a ~~an~~
 1796 ~~application and~~ permit fee to the department or its agent.

1797 (4) The department may contract pursuant to s. 287.057 for
 1798 the provision of services related to the logo sign program,
 1799 including recruitment and qualification of businesses, review of
 1800 applications, permit issuance, and fabrication, installation,
 1801 and maintenance of logo signs. The department may reject all
 1802 proposals and seek another request for proposals or otherwise
 1803 perform the work. ~~If the department contracts for the provision~~
 1804 ~~of services for the logo sign program, the contract must~~
 1805 ~~require, unless the business owner declines, that businesses~~
 1806 ~~that previously entered into agreements with the department to~~
 1807 ~~privately fund logo sign construction and installation be~~
 1808 ~~reimbursed by the contractor for the cost of the signs which has~~
 1809 ~~not been recovered through a previously agreed upon waiver of~~
 1810 ~~fees.~~ The contract also may allow the contractor to retain a
 1811 portion of the annual fees as compensation for its services.

1812 (5) Permit fees for businesses that participate in the
 1813 program must be established in an amount sufficient to offset
 1814 the total cost to the department for the program, including
 1815 contract costs. The department shall provide the services in the
 1816 most efficient and cost-effective manner through department
 1817 staff or by contracting for some or all of the services. The
 1818 department shall adopt rules that set reasonable rates based
 1819 upon factors such as population, traffic volume, market demand,
 1820 and costs for annual permit fees. However, annual permit fees

1821 for sign locations inside an urban area, as defined in s.
 1822 334.03(32), may not exceed \$5,000 and annual permit fees for
 1823 sign locations outside an urban area, as defined in s.
 1824 334.03(32), may not exceed \$2,500. After recovering program
 1825 costs, the proceeds from the logo program shall be deposited
 1826 into the State Transportation Trust Fund and used for
 1827 transportation purposes. Such annual permit fee shall not exceed
 1828 ~~\$1,250.~~

1829 Section 35. Business partnerships; display of names.--

1830 (1) School districts are encouraged to partner with local
 1831 businesses for the purposes of mentorship opportunities,
 1832 development of employment options and additional funding
 1833 sources, and other mutual benefits.

1834 (2) As a pilot program through June 30, 2011, the Palm
 1835 Beach County School District may publicly display the names and
 1836 recognitions of its business partners on school district
 1837 property in unincorporated areas. Examples of appropriate
 1838 business partner recognition include "Project Graduation" and
 1839 athletic sponsorships. The district shall make every effort to
 1840 display business partner names in a manner that is consistent
 1841 with the county standards for uniformity in size, color, and
 1842 placement of the signs. Whenever the provisions of this section
 1843 are inconsistent with the provisions of the county ordinances or
 1844 regulations relating to signs or the provisions of chapter 125,
 1845 chapter 166, or chapter 479, Florida Statutes, in the
 1846 unincorporated areas, the provisions of this section shall
 1847 prevail.

1848 Section 36. Notwithstanding any provision of chapter 74-

1849 400, Laws of Florida, public funds may be used for the
 1850 alteration of Old Cutler Road, between Southwest 136th Street
 1851 and Southwest 184th Street, in the Village of Palmetto Bay.

1852 (1) The alteration may include the installation of
 1853 sidewalks, curbing, and landscaping to enhance pedestrian access
 1854 to the road.

1855 (2) The official approval of the project by the Department
 1856 of State must be obtained before any alteration is started.

1857 Section 37. Subsection (1) of section 120.52, Florida
 1858 Statutes, is amended to read:

1859 120.52 Definitions.--As used in this act:

1860 (1) "Agency" means:

1861 (a) The Governor in the exercise of all executive powers
 1862 other than those derived from the constitution.

1863 (b) Each:

1864 1. State officer and state department, and each
 1865 departmental unit described in s. 20.04.

1866 2. Authority, including a regional water supply authority.

1867 3. Board, including the Board of Governors of the State
 1868 University System and a state university board of trustees when
 1869 acting pursuant to statutory authority derived from the
 1870 Legislature.

1871 4. Commission, including the Commission on Ethics and the
 1872 Fish and Wildlife Conservation Commission when acting pursuant
 1873 to statutory authority derived from the Legislature.

1874 5. Regional planning agency.

1875 6. Multicounty special district with a majority of its
 1876 governing board comprised of nonelected persons.

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1877 7. Educational units.

1878 8. Entity described in chapters 163, 373, 380, and 582 and
1879 s. 186.504.

1880 (c) Each other unit of government in the state, including
1881 counties and municipalities, to the extent they are expressly
1882 made subject to this act by general or special law or existing
1883 judicial decisions.

1884
1885 This definition does not include any legal entity or agency
1886 created in whole or in part pursuant to chapter 361, part II,
1887 any metropolitan planning organization created pursuant to s.
1888 339.175, any separate legal or administrative entity created
1889 pursuant to s. 339.175 of which a metropolitan planning
1890 organization is a member, an expressway authority pursuant to
1891 chapter 348 or any transportation authority under chapter 343 or
1892 chapter 349, any legal or administrative entity created by an
1893 interlocal agreement pursuant to s. 163.01(7), unless any party
1894 to such agreement is otherwise an agency as defined in this
1895 subsection, or any multicounty special district with a majority
1896 of its governing board comprised of elected persons; however,
1897 this definition shall include a regional water supply authority.

1898 Section 38. The Legislature directs the Department of
1899 Transportation to establish an approved transportation
1900 methodology which recognizes that a planned, sustainable
1901 development of regional impact will likely achieve an internal
1902 capture rate greater than 30 percent when fully developed. The
1903 transportation methodology must use a regional transportation
1904 model that incorporates professionally accepted modeling

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1905 techniques applicable to well-planned, sustainable communities
1906 of the size, location, mix of uses, and design features
1907 consistent with such communities. The adopted transportation
1908 methodology shall serve as the basis for sustainable development
1909 traffic impact assessments by the department. The methodology
1910 review must be completed and in use by March 1, 2011.

1911 Section 39. Except as otherwise expressly provided in this
1912 act, this act shall take effect upon becoming a law.