

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. 125.42, F.S.; providing for
8 counties to incur certain costs related to relocation or
9 removal of certain utility facilities under specified
10 circumstances; amending s. 163.3177, F.S.; revising
11 requirements for comprehensive plans; providing a
12 timeframe for submission of certain information to the
13 state land planning agency; providing for airports, land
14 adjacent to airports, and certain interlocal agreements
15 relating thereto in certain elements of the plan; amending
16 s. 163.3178, F.S.; providing that certain port-related
17 facilities are not developments of regional impact under
18 certain circumstances; amending s. 163.3180, F.S.;
19 defining the term "backlog"; amending s. 163.3182, F.S.,
20 relating to transportation concurrency backlog
21 authorities; providing legislative findings and
22 declarations; expanding the power of authorities to borrow
23 money to include issuing certain debt obligations;
24 providing a maximum maturity date for certain debt
25 incurred to finance or refinance certain transportation
26 concurrency backlog projects; authorizing authorities to
27 continue operations and administer certain trust funds for
28 the period of the remaining outstanding debt; requiring

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

57 facility that is found to be interfering with the use,
58 maintenance, improvement, extension, or expansion of a
59 public road or publicly owned rail corridor under
60 described circumstances; amending s. 337.408, F.S.;
61 providing for public pay telephones and advertising
62 thereon to be installed within the right-of-way limits of
63 any municipal, county, or state road; providing
64 exceptions; amending s. 338.01, F.S.; requiring new and
65 replacement electronic toll collection systems to be
66 interoperable with the department's system; amending s.
67 338.165, F.S.; authorizing the department to use excess
68 toll revenues for public transit; exempting toll rates on
69 high-occupancy toll lanes or express lanes from consumer
70 price indexing provisions; removing specific
71 identification of certain state-owned toll facilities in
72 the department's authority to request issuance of bonds to
73 fund transportation projects located within the county or
74 counties in which the project is located; amending s.
75 338.2216, F.S.; directing the Florida Turnpike Enterprise
76 to implement new technologies and processes in its
77 operations and collection of tolls and other amounts;
78 amending s. 338.223, F.S.; conforming a cross-reference;
79 amending s. 338.231, F.S.; revising provisions for
80 establishing and collecting tolls; authorizing collection
81 of amounts to cover costs of toll collection and payment
82 methods; requiring public notice and hearing; amending s.
83 339.12, F.S.; revising requirements for aid and
84 contributions by governmental entities for transportation

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

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

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

142

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

160 Section 2. Subsection (5) of section 125.42, Florida
 161 Statutes, is amended to read:

162 125.42 Water, sewage, gas, power, telephone, other
 163 utility, and television lines along county roads and highways.--

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

169 Section 3. Paragraphs (a), (h), and (j) of subsection (6)
 170 of section 163.3177, Florida Statutes, are amended to read:

171 163.3177 Required and optional elements of comprehensive
 172 plan; studies and surveys.--

173 (6) In addition to the requirements of subsections (1)-(5)
 174 and (12), the comprehensive plan shall include the following
 175 elements:

176 (a) A future land use plan element designating proposed
 177 future general distribution, location, and extent of the uses of
 178 land for residential uses, commercial uses, industry,
 179 agriculture, recreation, conservation, education, public
 180 buildings and grounds, other public facilities, and other
 181 categories of the public and private uses of land. Counties are
 182 encouraged to designate rural land stewardship areas, pursuant
 183 to the provisions of paragraph (11)(d), as overlays on the
 184 future land use map. Each future land use category must be
 185 defined in terms of uses included, and must include standards to
 186 be followed in the control and distribution of population
 187 densities and building and structure intensities. The proposed
 188 distribution, location, and extent of the various categories of
 189 land use shall be shown on a land use map or map series which
 190 shall be supplemented by goals, policies, and measurable
 191 objectives. The future land use plan shall be based upon
 192 surveys, studies, and data regarding the area, including the
 193 amount of land required to accommodate anticipated growth; the
 194 projected population of the area; the character of undeveloped
 195 land; the availability of water supplies, public facilities, and
 196 services; the need for redevelopment, including the renewal of

197 | blighted areas and the elimination of nonconforming uses which
198 | are inconsistent with the character of the community; the
199 | compatibility of uses on lands adjacent to or closely proximate
200 | to military installations and lands adjacent to an airport as
201 | defined in s. 330.35 and consistent with provisions in s.
202 | 333.02; the discouragement of urban sprawl; energy-efficient
203 | land use patterns accounting for existing and future electric
204 | power generation and transmission systems; greenhouse gas
205 | reduction strategies; and, in rural communities, the need for
206 | job creation, capital investment, and economic development that
207 | will strengthen and diversify the community's economy. The
208 | future land use plan may designate areas for future planned
209 | development use involving combinations of types of uses for
210 | which special regulations may be necessary to ensure development
211 | in accord with the principles and standards of the comprehensive
212 | plan and this act. The future land use plan element shall
213 | include criteria to be used to achieve the compatibility of
214 | adjacent or closely proximate lands with military installations
215 | and lands adjacent to an airport as defined in s. 330.35 and
216 | consistent with provisions in s. 333.02. In addition, for rural
217 | communities, the amount of land designated for future planned
218 | industrial use shall be based upon surveys and studies that
219 | reflect the need for job creation, capital investment, and the
220 | necessity to strengthen and diversify the local economies, and
221 | shall not be limited solely by the projected population of the
222 | rural community. The future land use plan of a county may also
223 | designate areas for possible future municipal incorporation. The
224 | land use maps or map series shall generally identify and depict

225 historic district boundaries and shall designate historically
226 significant properties meriting protection. For coastal
227 counties, the future land use element must include, without
228 limitation, regulatory incentives and criteria that encourage
229 the preservation of recreational and commercial working
230 waterfronts as defined in s. 342.07. The future land use element
231 must clearly identify the land use categories in which public
232 schools are an allowable use. When delineating the land use
233 categories in which public schools are an allowable use, a local
234 government shall include in the categories sufficient land
235 proximate to residential development to meet the projected needs
236 for schools in coordination with public school boards and may
237 establish differing criteria for schools of different type or
238 size. Each local government shall include lands contiguous to
239 existing school sites, to the maximum extent possible, within
240 the land use categories in which public schools are an allowable
241 use. The failure by a local government to comply with these
242 school siting requirements will result in the prohibition of the
243 local government's ability to amend the local comprehensive
244 plan, except for plan amendments described in s. 163.3187(1)(b),
245 until the school siting requirements are met. Amendments
246 proposed by a local government for purposes of identifying the
247 land use categories in which public schools are an allowable use
248 are exempt from the limitation on the frequency of plan
249 amendments contained in s. 163.3187. The future land use element
250 shall include criteria that encourage the location of schools
251 proximate to urban residential areas to the extent possible and
252 shall require that the local government seek to collocate public

253 facilities, such as parks, libraries, and community centers,
 254 with schools to the extent possible and to encourage the use of
 255 elementary schools as focal points for neighborhoods. For
 256 schools serving predominantly rural counties, defined as a
 257 county with a population of 100,000 or fewer, an agricultural
 258 land use category shall be eligible for the location of public
 259 school facilities if the local comprehensive plan contains
 260 school siting criteria and the location is consistent with such
 261 criteria. Local governments required to update or amend their
 262 comprehensive plan to include criteria and address compatibility
 263 of lands adjacent to an airport as defined in s. 330.35 and
 264 consistent with provisions in s. 333.02 ~~adjacent or closely~~
 265 ~~proximate lands with existing military installations~~ in their
 266 future land use plan element shall transmit the update or
 267 amendment to the state land planning agency ~~department~~ by June
 268 30, 2012 ~~2006~~.

269 (h)1. An intergovernmental coordination element showing
 270 relationships and stating principles and guidelines to be used
 271 in the accomplishment of coordination of the adopted
 272 comprehensive plan with the plans of school boards, regional
 273 water supply authorities, and other units of local government
 274 providing services but not having regulatory authority over the
 275 use of land, with the comprehensive plans of adjacent
 276 municipalities, the county, adjacent counties, or the region,
 277 with the state comprehensive plan and with the applicable
 278 regional water supply plan approved pursuant to s. 373.0361, as
 279 the case may require and as such adopted plans or plans in
 280 preparation may exist. This element of the local comprehensive

281 | plan shall demonstrate consideration of the particular effects
 282 | of the local plan, when adopted, upon the development of
 283 | adjacent municipalities, the county, adjacent counties, or the
 284 | region, or upon the state comprehensive plan, as the case may
 285 | require.

286 | a. The intergovernmental coordination element shall
 287 | provide for procedures to identify and implement joint planning
 288 | areas, especially for the purpose of annexation, municipal
 289 | incorporation, and joint infrastructure service areas.

290 | b. The intergovernmental coordination element shall
 291 | provide for recognition of campus master plans prepared pursuant
 292 | to s. 1013.30 and airport master plans pursuant to paragraph
 293 | (k).

294 | c. The intergovernmental coordination element may provide
 295 | for a voluntary dispute resolution process as established
 296 | pursuant to s. 186.509 for bringing to closure in a timely
 297 | manner intergovernmental disputes. A local government may
 298 | develop and use an alternative local dispute resolution process
 299 | for this purpose.

300 | d. The intergovernmental coordination element shall
 301 | provide for interlocal agreements, as established pursuant to s.
 302 | 333.03(1)(b).

303 | 2. The intergovernmental coordination element shall
 304 | further state principles and guidelines to be used in the
 305 | accomplishment of coordination of the adopted comprehensive plan
 306 | with the plans of school boards and other units of local
 307 | government providing facilities and services but not having
 308 | regulatory authority over the use of land. In addition, the

309 intergovernmental coordination element shall describe joint
310 processes for collaborative planning and decisionmaking on
311 population projections and public school siting, the location
312 and extension of public facilities subject to concurrency, and
313 siting facilities with countywide significance, including
314 locally unwanted land uses whose nature and identity are
315 established in an agreement. Within 1 year of adopting their
316 intergovernmental coordination elements, each county, all the
317 municipalities within that county, the district school board,
318 and any unit of local government service providers in that
319 county shall establish by interlocal or other formal agreement
320 executed by all affected entities, the joint processes described
321 in this subparagraph consistent with their adopted
322 intergovernmental coordination elements.

323 3. To foster coordination between special districts and
324 local general-purpose governments as local general-purpose
325 governments implement local comprehensive plans, each
326 independent special district must submit a public facilities
327 report to the appropriate local government as required by s.
328 189.415.

329 4.a. Local governments must execute an interlocal
330 agreement with the district school board, the county, and
331 nonexempt municipalities pursuant to s. 163.31777. The local
332 government shall amend the intergovernmental coordination
333 element to provide that coordination between the local
334 government and school board is pursuant to the agreement and
335 shall state the obligations of the local government under the
336 agreement.

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

339 5. The state land planning agency shall establish a
340 schedule for phased completion and transmittal of plan
341 amendments to implement subparagraphs 1., 2., and 3. from all
342 jurisdictions so as to accomplish their adoption by December 31,
343 1999. A local government may complete and transmit its plan
344 amendments to carry out these provisions prior to the scheduled
345 date established by the state land planning agency. The plan
346 amendments are exempt from the provisions of s. 163.3187(1).

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

351 a. Identifies all existing or proposed interlocal service
352 delivery agreements regarding the following: education; sanitary
353 sewer; public safety; solid waste; drainage; potable water;
354 parks and recreation; and transportation facilities.

355 b. Identifies any deficits or duplication in the provision
356 of services within its jurisdiction, whether capital or
357 operational. Upon request, the Department of Community Affairs
358 shall provide technical assistance to the local governments in
359 identifying deficits or duplication.

360 7. Within 6 months after submission of the report, the
361 Department of Community Affairs shall, through the appropriate
362 regional planning council, coordinate a meeting of all local
363 governments within the regional planning area to discuss the
364 reports and potential strategies to remedy any identified

365 deficiencies or duplications.

366 8. Each local government shall update its
 367 intergovernmental coordination element based upon the findings
 368 in the report submitted pursuant to subparagraph 6. The report
 369 may be used as supporting data and analysis for the
 370 intergovernmental coordination element.

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

376 1. Traffic circulation, including major thoroughfares and
 377 other routes, including bicycle and pedestrian ways.

378 2. All alternative modes of travel, such as public
 379 transportation, pedestrian, and bicycle travel.

380 3. Parking facilities.

381 4. Aviation, rail, seaport facilities, access to those
 382 facilities, and intermodal terminals.

383 5. The availability of facilities and services to serve
 384 existing land uses and the compatibility between future land use
 385 and transportation elements.

386 6. The capability to evacuate the coastal population prior
 387 to an impending natural disaster.

388 7. Airports, projected airport and aviation development,
 389 and land use compatibility around airports that includes areas
 390 defined in ss. 333.01 and 333.02.

391 8. An identification of land use densities, building
 392 intensities, and transportation management programs to promote

393 public transportation systems in designated public
 394 transportation corridors so as to encourage population densities
 395 sufficient to support such systems.

396 9. May include transportation corridors, as defined in s.
 397 334.03, intended for future transportation facilities designated
 398 pursuant to s. 337.273. If transportation corridors are
 399 designated, the local government may adopt a transportation
 400 corridor management ordinance.

401 10. The incorporation of transportation strategies to
 402 address reduction in greenhouse gas emissions from the
 403 transportation sector.

404 Section 4. Subsection (3) of section 163.3178, Florida
 405 Statutes, is amended to read:

406 163.3178 Coastal management.--

407 (3) Expansions to port harbors, spoil disposal sites,
 408 navigation channels, turning basins, harbor berths, and other
 409 related inwater harbor facilities of ports listed in s.
 410 403.021(9); port transportation facilities and projects listed
 411 in s. 311.07(3)(b); and intermodal transportation facilities
 412 identified pursuant to s. 311.09(3) and facilities determined by
 413 the Department of Community Affairs and any applicable general
 414 purpose local government to be port-related industrial or
 415 commercial projects located within 3 miles of or in a port
 416 master plan area which rely upon the utilization of port and
 417 intermodal transportation facilities shall not be developments
 418 of regional impact where such expansions, projects, or
 419 facilities are consistent with comprehensive master plans that
 420 are in compliance with this section.

421 Section 5. Paragraph (e) is added to subsection (12) and
 422 paragraph (i) is added to subsection (16) of section 163.3180,
 423 Florida Statutes, to read:

424 163.3180 Concurrency.--

425 (12) A development of regional impact may satisfy the
 426 transportation concurrency requirements of the local
 427 comprehensive plan, the local government's concurrency
 428 management system, and s. 380.06 by payment of a proportionate-
 429 share contribution for local and regionally significant traffic
 430 impacts, if:

431 (e) As used in this subsection, the term "backlog" means a
 432 facility or facilities on which the adopted level-of-service
 433 standard is exceeded by the existing trips, plus additional
 434 projected background trips from any source other than the
 435 development project under review that are forecast by
 436 established traffic standards, including traffic modeling,
 437 consistent with the University of Florida Bureau of Economic and
 438 Business Research medium population projections. Additional
 439 projected background trips are to be coincident with the
 440 particular stage or phase of development under review.

441
 442 The proportionate-share contribution may be applied to any
 443 transportation facility to satisfy the provisions of this
 444 subsection and the local comprehensive plan, but, for the
 445 purposes of this subsection, the amount of the proportionate-
 446 share contribution shall be calculated based upon the cumulative
 447 number of trips from the proposed development expected to reach
 448 roadways during the peak hour from the complete buildout of a

449 stage or phase being approved, divided by the change in the peak
450 hour maximum service volume of roadways resulting from
451 construction of an improvement necessary to maintain the adopted
452 level of service, multiplied by the construction cost, at the
453 time of developer payment, of the improvement necessary to
454 maintain the adopted level of service. For purposes of this
455 subsection, "construction cost" includes all associated costs of
456 the improvement. Proportionate-share mitigation shall be limited
457 to ensure that a development of regional impact meeting the
458 requirements of this subsection mitigates its impact on the
459 transportation system but is not responsible for the additional
460 cost of reducing or eliminating backlogs. This subsection also
461 applies to Florida Quality Developments pursuant to s. 380.061
462 and to detailed specific area plans implementing optional sector
463 plans pursuant to s. 163.3245.

464 (16) It is the intent of the Legislature to provide a
465 method by which the impacts of development on transportation
466 facilities can be mitigated by the cooperative efforts of the
467 public and private sectors. The methodology used to calculate
468 proportionate fair-share mitigation under this section shall be
469 as provided for in subsection (12).

470 (i) As used in this subsection, the term "backlog" means a
471 facility or facilities on which the adopted level-of-service
472 standard is exceeded by the existing trips, plus additional
473 projected background trips from any source other than the
474 development project under review that are forecast by
475 established traffic standards, including traffic modeling,
476 consistent with the University of Florida Bureau of Economic and

477 Business Research medium population projections. Additional
 478 projected background trips are to be coincident with the
 479 particular stage or phase of development under review.

480 Section 6. Paragraph (d) of subsection (3), paragraph (a)
 481 of subsection (4), and subsections (5) and (8) of section
 482 163.3182, Florida Statutes, are amended, and paragraph (c) is
 483 added to subsection (2) of that section, to read:

484 163.3182 Transportation concurrency backlogs.--

485 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 486 AUTHORITIES.--

487 (c) The Legislature finds and declares that there exists
 488 in many counties and municipalities areas with significant
 489 transportation deficiencies and inadequate transportation
 490 facilities; that many such deficiencies and inadequacies
 491 severely limit or prohibit the satisfaction of transportation
 492 concurrency standards; that such transportation deficiencies and
 493 inadequacies affect the health, safety, and welfare of the
 494 residents of such counties and municipalities; that such
 495 transportation deficiencies and inadequacies adversely affect
 496 economic development and growth of the tax base for the areas in
 497 which such deficiencies and inadequacies exist; and that the
 498 elimination of transportation deficiencies and inadequacies and
 499 the satisfaction of transportation concurrency standards are
 500 paramount public purposes for the state and its counties and
 501 municipalities.

502 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 503 AUTHORITY.--Each transportation concurrency backlog authority
 504 has the powers necessary or convenient to carry out the purposes

505 of this section, including the following powers in addition to
 506 others granted in this section:

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

522 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

523 (a) Each transportation concurrency backlog authority
 524 shall adopt a transportation concurrency backlog plan as a part
 525 of the local government comprehensive plan within 6 months after
 526 the creation of the authority. The plan shall:

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

530 2. Include a priority listing of all transportation
 531 facilities that have been designated as deficient and do not
 532 satisfy concurrency requirements pursuant to s. 163.3180, and

533 the applicable local government comprehensive plan.

534 3. Establish a schedule for financing and construction of
535 transportation concurrency backlog projects that will eliminate
536 transportation concurrency backlogs within the jurisdiction of
537 the authority within 10 years after the transportation
538 concurrency backlog plan adoption. The schedule shall be adopted
539 as part of the local government comprehensive plan.

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

549 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
550 concurrency backlog authority shall establish a local
551 transportation concurrency backlog trust fund upon creation of
552 the authority. Each local trust fund shall be administered by
553 the transportation concurrency backlog authority within which a
554 transportation concurrency backlog has been identified. Each
555 local trust fund shall continue to be funded pursuant to this
556 section for as long as the projects set forth in the related
557 transportation concurrency backlog plan remain to be completed
558 or until any debt incurred to finance or refinance the related
559 projects are no longer outstanding, whichever occurs later.
560 Beginning in the first fiscal year after the creation of the

561 authority, each local trust fund shall be funded by the proceeds
 562 of an ad valorem tax increment collected within each
 563 transportation concurrency backlog area to be determined
 564 annually and shall be a minimum of 25 percent of the difference
 565 between the amounts set forth in paragraphs (a) and (b), except
 566 that, if all of the affected taxing authorities agree pursuant
 567 to an interlocal agreement, a particular local trust fund may be
 568 funded by the proceeds of an ad valorem tax increment greater
 569 than 25 percent of the difference between the amounts set forth
 570 in paragraphs (a) and (b):

571 (a) The amount of ad valorem tax levied each year by each
 572 taxing authority, exclusive of any amount from any debt service
 573 millage, on taxable real property contained within the
 574 jurisdiction of the transportation concurrency backlog authority
 575 and within the transportation backlog area; and

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

585 (8) DISSOLUTION.--Upon completion of all transportation
 586 concurrency backlog projects and repayment or defeasance of all
 587 debt issued to finance or refinance such projects, a
 588 transportation concurrency backlog authority shall be dissolved,

589 and its assets and liabilities shall be transferred to the
 590 county or municipality within which the authority is located.
 591 All remaining assets of the authority must be used for
 592 implementation of transportation projects within the
 593 jurisdiction of the authority. The local government
 594 comprehensive plan shall be amended to remove the transportation
 595 concurrency backlog plan.

596 Section 7. Paragraph (c) of subsection (9) of section
 597 287.055, Florida Statutes, is amended to read:

598 287.055 Acquisition of professional architectural,
 599 engineering, landscape architectural, or surveying and mapping
 600 services; definitions; procedures; contingent fees prohibited;
 601 penalties.--

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

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

617 of the design-build firm the procuring agency shall employ or
618 retain a licensed design professional appropriate to the project
619 to serve as the agency's representative. Procedures for the use
620 of a competitive proposal selection process must include as a
621 minimum the following:

622 1. The preparation of a design criteria package for the
623 design and construction of the public construction project.

624 2. The qualification and selection of no fewer than three
625 design-build firms as the most qualified, based on the
626 qualifications, availability, and past work of the firms,
627 including the partners or members thereof.

628 3. The criteria, procedures, and standards for the
629 evaluation of design-build contract proposals or bids, based on
630 price, technical, and design aspects of the public construction
631 project, weighted for the project.

632 4. The solicitation of competitive proposals, pursuant to
633 a design criteria package, from those qualified design-build
634 firms and the evaluation of the responses or bids submitted by
635 those firms based on the evaluation criteria and procedures
636 established prior to the solicitation of competitive proposals.

637 5. For consultation with the employed or retained design
638 criteria professional concerning the evaluation of the responses
639 or bids submitted by the design-build firms, the supervision or
640 approval by the agency of the detailed working drawings of the
641 project; and for evaluation of the compliance of the project
642 construction with the design criteria package by the design
643 criteria professional.

644 6. In the case of public emergencies, for the agency head

645 to declare an emergency and authorize negotiations with the best
 646 qualified design-build firm available at that time.

647 Section 8. Subsection (16) of section 334.044, Florida
 648 Statutes, is amended to read:

649 334.044 Department; powers and duties.--The department
 650 shall have the following general powers and duties:

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

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

659 337.11 Contracting authority of department; bids;
 660 emergency repairs, supplemental agreements, and change orders;
 661 combined design and construction contracts; progress payments;
 662 records; requirements of vehicle registration.--

663 (7) If the department determines that it is in the best
 664 interest of the public, the department may pay a stipend to
 665 unsuccessful firms who have submitted responsive proposals for
 666 construction or maintenance contracts. The decision and amount
 667 of a stipend will be based upon department analysis of the
 668 estimated proposal development costs and the anticipated degree
 669 of competition during the procurement process. Stipends shall be
 670 used to encourage competition and compensate unsuccessful firms
 671 for a portion of their proposal development costs. The
 672 department shall retain the right to use ideas from unsuccessful

673 firms that accept a stipend.

674 (8) (7) (a) If the head of the department determines that it
675 is in the best interests of the public, the department may
676 combine the design and construction phases of a building, a
677 major bridge, a limited access facility, or a rail corridor
678 project into a single contract. Such contract is referred to as
679 a design-build contract. The department's goal shall be to
680 procure up to 25 percent of the construction contracts which add
681 capacity in the 5-year adopted work program as design-build
682 contracts by July 1, 2014. Design-build contracts may be
683 advertised and awarded notwithstanding the requirements of
684 paragraph (3) (c). However, construction activities may not begin
685 on any portion of such projects for which the department has not
686 yet obtained title to the necessary rights-of-way and easements
687 for the construction of that portion of the project has vested
688 in the state or a local governmental entity and all railroad
689 crossing and utility agreements have been executed. Title to
690 rights-of-way shall be deemed to have vested in the state when
691 the title has been dedicated to the public or acquired by
692 prescription.

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

- 696 1. Prequalification requirements.
- 697 2. Public announcement procedures.
- 698 3. Scope of service requirements.
- 699 4. Letters of interest requirements.
- 700 5. Short-listing criteria and procedures.

- 701 6. Bid proposal requirements.
- 702 7. Technical review committee.
- 703 8. Selection and award processes.
- 704 9. Stipend requirements.

705 (c) The department must receive at least three letters of
 706 interest in order to proceed with a request for proposals. The
 707 department shall request proposals from no fewer than three of
 708 the design-build firms submitting letters of interest. If a
 709 design-build firm withdraws from consideration after the
 710 department requests proposals, the department may continue if at
 711 least two proposals are received.

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

714 337.14 Application for qualification; certificate of
 715 qualification; restrictions; request for hearing.--

716 (7) No "contractor" as defined in s. 337.165(1)(d) or his
 717 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
 718 the department under this section may also qualify under s.
 719 287.055 or s. 337.105 to provide testing services, construction,
 720 engineering, and inspection services to the department. This
 721 limitation shall not apply to any design-build prequalification
 722 under s. 337.11(8)~~(7)~~.

723 Section 11. Paragraph (a) of subsection (2) of section
 724 337.16, Florida Statutes, is amended to read:

725 337.16 Disqualification of delinquent contractors from
 726 bidding; determination of contractor nonresponsibility; denial,
 727 suspension, and revocation of certificates of qualification;
 728 grounds; hearing.--

729 (2) For reasons other than delinquency in progress, the
 730 department, for good cause, may determine any contractor not
 731 having a certificate of qualification nonresponsible for a
 732 specified period of time or may deny, suspend, or revoke any
 733 certificate of qualification. Good cause includes, but is not
 734 limited to, circumstances in which a contractor or the
 735 contractor's official representative:

736 (a) Makes or submits to the department false, deceptive,
 737 or fraudulent statements or materials in any bid proposal to the
 738 department, any application for a certificate of qualification,
 739 any certification of payment pursuant to s. 337.11(11)~~(10)~~, or
 740 any administrative or judicial proceeding;

741 Section 12. Paragraph (b) of subsection (1) of section
 742 337.18, Florida Statutes, is amended to read:

743 337.18 Surety bonds for construction or maintenance
 744 contracts; requirement with respect to contract award; bond
 745 requirements; defaults; damage assessments.--

746 (1)

747 (b) Prior to beginning any work under the contract, the
 748 contractor shall maintain a copy of the payment and performance
 749 bond required under this section at its principal place of
 750 business and at the jobsite office, if one is established, and
 751 the contractor shall provide a copy of the payment and
 752 performance bond within 5 days after receipt of any written
 753 request therefor. A copy of the payment and performance bond
 754 required under this section may also be obtained directly from
 755 the department by a request made pursuant to chapter 119. ~~Upon~~
 756 execution of the contract, and prior to beginning any work under

757 ~~the contract, the contractor shall record in the public records~~
758 ~~of the county where the improvement is located the payment and~~
759 ~~performance bond required under this section.~~ A claimant shall
760 have a right of action against the contractor and surety for the
761 amount due him or her, including unpaid finance charges due
762 under the claimant's contract. Such action shall not involve the
763 department in any expense.

764 Section 13. Subsections (1), (2), and (7) of section
765 337.185, Florida Statutes, are amended to read:

766 337.185 State Arbitration Board.--

767 (1) To facilitate the prompt settlement of claims for
768 additional compensation arising out of construction and
769 maintenance contracts between the department and the various
770 contractors with whom it transacts business, the Legislature
771 does hereby establish the State Arbitration Board, referred to
772 in this section as the "board." For the purpose of this section,
773 "claim" shall mean the aggregate of all outstanding claims by a
774 party arising out of a construction or maintenance contract.
775 Every contractual claim in an amount up to \$250,000 per contract
776 or, at the claimant's option, up to \$500,000 per contract or,
777 upon agreement of the parties, up to \$1 million per contract
778 that cannot be resolved by negotiation between the department
779 and the contractor shall be arbitrated by the board after
780 acceptance of the project by the department. As an exception,
781 either party to the dispute may request that the claim be
782 submitted to binding private arbitration. A court of law may not
783 consider the settlement of such a claim until the process
784 established by this section has been exhausted.

785 (2) The board shall be composed of three members. One
786 member shall be appointed by the head of the department, and one
787 member shall be elected by those construction or maintenance
788 companies who are under contract with the department. The third
789 member shall be chosen by agreement of the other two members.
790 Whenever the third member has a conflict of interest regarding
791 affiliation with one of the parties, the other two members shall
792 select an alternate member for that hearing. The head of the
793 department may select an alternative or substitute to serve as
794 the department member for any hearing or term. Each member shall
795 serve a 2-year term. The board shall elect a chair, each term,
796 who shall be the administrator of the board and custodian of its
797 records.

798 (7) The members of the board may receive compensation for
799 the performance of their duties hereunder, from administrative
800 fees received by the board, except that no employee of the
801 department may receive compensation from the board. The
802 compensation amount shall be determined by the board, but shall
803 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
804 each member authorized to receive compensation. Nothing in this
805 section shall prevent the member elected by construction or
806 maintenance companies from being an employee of an association
807 affiliated with the industry, even if the sole responsibility of
808 that member is service on the board. Travel expenses for the
809 industry member may be paid by an industry association, if
810 necessary. The board may allocate funds annually for clerical
811 and other administrative services.

812 Section 14. Subsection (1) of section 337.403, Florida

813 Statutes, is amended to read:

814 337.403 Relocation of utility; expenses.--

815 (1) Any utility heretofore or hereafter placed upon,
 816 under, over, or along any public road or publicly owned rail
 817 corridor that is found by the authority to be unreasonably
 818 interfering in any way with the convenient, safe, or continuous
 819 use, or the maintenance, improvement, extension, or expansion,
 820 of such public road or publicly owned rail corridor shall, upon
 821 30 days' written notice to the utility or its agent by the
 822 authority, be removed or relocated by such utility at its own
 823 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~
 824 ~~(e)~~.

825 (a) If the relocation of utility facilities, as referred
 826 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 827 627 of the 84th Congress, is necessitated by the construction of
 828 a project on the federal-aid interstate system, including
 829 extensions thereof within urban areas, and the cost of such
 830 project is eligible and approved for reimbursement by the
 831 Federal Government to the extent of 90 percent or more under the
 832 Federal Aid Highway Act, or any amendment thereof, then in that
 833 event the utility owning or operating such facilities shall
 834 relocate such facilities upon order of the department, and the
 835 state shall pay the entire expense properly attributable to such
 836 relocation after deducting therefrom any increase in the value
 837 of the new facility and any salvage value derived from the old
 838 facility.

839 (b) When a joint agreement between the department and the
 840 utility is executed for utility improvement, relocation, or

841 removal work to be accomplished as part of a contract for
842 construction of a transportation facility, the department may
843 participate in those utility improvement, relocation, or removal
844 costs that exceed the department's official estimate of the cost
845 of such work by more than 10 percent. The amount of such
846 participation shall be limited to the difference between the
847 official estimate of all the work in the joint agreement plus 10
848 percent and the amount awarded for this work in the construction
849 contract for such work. The department may not participate in
850 any utility improvement, relocation, or removal costs that occur
851 as a result of changes or additions during the course of the
852 contract.

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

858 (d) If the utility facility being removed or relocated was
859 initially installed to exclusively serve the department, its
860 tenants, or both the department and its tenants, the department
861 shall bear the costs of removal or relocation of that utility
862 facility. The department shall not be responsible, however, for
863 bearing the cost of removal or relocation of any subsequent
864 additions to that facility for the purpose of serving others.

865 (e) If, pursuant to an agreement between a utility and the
866 authority entered into after the effective date of this
867 paragraph, the utility conveys, subordinates, or relinquishes a
868 compensable property right to the authority for the purpose of

869 accommodating the acquisition or use of the right-of-way by the
 870 authority, without the agreement expressly addressing future
 871 responsibility for cost of removal or relocation of the utility,
 872 then the authority shall bear the cost of such removal or
 873 relocation. Nothing in this paragraph is intended to impair or
 874 restrict, or be used to interpret, the terms of any such
 875 agreement entered into prior to the effective date of this
 876 paragraph.

877 (f) If the utility is an electric facility being relocated
 878 underground in order to enhance vehicular, bicycle, and
 879 pedestrian safety and in which ownership of the electric
 880 facility to be placed underground has been transferred from a
 881 private to a public utility within the past 5 years, the
 882 department shall incur all costs of the relocation.

883 Section 15. Subsections (4) and (5) of section 337.408,
 884 Florida Statutes, are amended, subsection (7) is renumbered as
 885 subsection (8), and a new subsection (7) is added to that
 886 section, to read:

887 337.408 Regulation of benches, transit shelters, street
 888 light poles, waste disposal receptacles, public pay telephones,
 889 and modular news racks within rights-of-way.--

890 (4) The department has the authority to direct the
 891 immediate relocation or removal of any bench, transit shelter,
 892 waste disposal receptacle, public pay telephone, or modular news
 893 rack which endangers life or property, except that transit bus
 894 benches which have been placed in service prior to April 1,
 895 1992, are not required to comply with bench size and advertising
 896 display size requirements which have been established by the

897 department prior to March 1, 1992. Any transit bus bench that
898 was in service prior to April 1, 1992, may be replaced with a
899 bus bench of the same size or smaller, if the bench is damaged
900 or destroyed or otherwise becomes unusable. The department is
901 authorized to adopt rules relating to the regulation of bench
902 size and advertising display size requirements. If a
903 municipality or county within which a bench is to be located has
904 adopted an ordinance or other applicable regulation that
905 establishes bench size or advertising display sign requirements
906 different from requirements specified in department rule, the
907 local government requirement shall be applicable within the
908 respective municipality or county. Placement of any bench or
909 advertising display on the National Highway System under a local
910 ordinance or regulation adopted pursuant to this subsection
911 shall be subject to approval of the Federal Highway
912 Administration.

913 (5) No bench, transit shelter, waste disposal receptacle,
914 public pay telephone, or modular news rack, or advertising
915 thereon, shall be erected or so placed on the right-of-way of
916 any road which conflicts with the requirements of federal law,
917 regulations, or safety standards, thereby causing the state or
918 any political subdivision the loss of federal funds. Competition
919 among persons seeking to provide bench, transit shelter, waste
920 disposal receptacle, or modular news rack services or
921 advertising on such benches, shelters, receptacles, or news
922 racks may be regulated, restricted, or denied by the appropriate
923 local government entity consistent with the provisions of this
924 section.

925 (7) Public pay telephones, including advertising displayed
 926 thereon, may be installed within the right-of-way limits of any
 927 municipal, county, or state road, except on a limited access
 928 highway, provided that such pay telephones are installed by a
 929 provider duly authorized and regulated by the Public Service
 930 Commission pursuant to s. 364.3375, that such pay telephones are
 931 operated in accordance with all applicable state and federal
 932 telecommunications regulations, and that written authorization
 933 has been given to a public pay telephone provider by the
 934 appropriate municipal or county government. Each advertisement
 935 shall be limited to a size no greater than 8 square feet and no
 936 public pay telephone booth shall display more than 3 such
 937 advertisements at any given time. No advertisements shall be
 938 allowed on public pay telephones located in rest areas, welcome
 939 centers, and other such facilities located on an interstate
 940 highway.

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

943 338.01 Authority to establish and regulate limited access
 944 facilities.--

945 (6) All new limited access facilities and existing
 946 transportation facilities on which new or replacement electronic
 947 toll collection systems are installed shall be interoperable
 948 with the department's electronic toll collection system.

949 Section 17. Section 338.165, Florida Statutes, is amended
 950 to read:

951 338.165 Continuation of tolls.--

952 (1) The department, any transportation or expressway

953 authority or, in the absence of an authority, a county or
 954 counties may continue to collect the toll on a revenue-producing
 955 project after the discharge of any bond indebtedness related to
 956 such project and may increase such toll. All tolls so collected
 957 shall first be used to pay the annual cost of the operation,
 958 maintenance, and improvement of the toll project.

959 (2) If the revenue-producing project is on the State
 960 Highway System, any remaining toll revenue shall be used within
 961 the county or counties in which the revenue-producing project is
 962 located for the construction, maintenance, or improvement of any
 963 road on the State Highway System or public transit ~~within the~~
 964 ~~county or counties in which the revenue-producing project is~~
 965 ~~located~~, except as provided in s. 348.0004.

966 (3) Notwithstanding any other provision of law, the
 967 department, including the turnpike enterprise, shall index toll
 968 rates on existing toll facilities to the annual Consumer Price
 969 Index or similar inflation indicators. Toll rate adjustments for
 970 inflation under this subsection may be made no more frequently
 971 than once a year and must be made no less frequently than once
 972 every 5 years as necessary to accommodate cash toll rate
 973 schedules. Toll rates may be increased beyond these limits as
 974 directed by bond documents, covenants, or governing body
 975 authorization or pursuant to department administrative rule.
 976 This subsection does not apply to toll rates on high-occupancy
 977 toll lanes or express lanes.

978 (4) Notwithstanding any other law to the contrary,
 979 pursuant to s. 11, Art. VII of the State Constitution, and
 980 subject to the requirements of subsection (2), the Department of

981 Transportation may request the Division of Bond Finance to issue
 982 bonds secured by toll revenues to be collected ~~on the Alligator~~
 983 ~~Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway,~~
 984 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
 985 transportation projects located within the county or counties in
 986 which the project is located and contained in the adopted work
 987 program of the department.

988 (5) If the revenue-producing project is on the county road
 989 system, any remaining toll revenue shall be used for the
 990 construction, maintenance, or improvement of any other state or
 991 county road within the county or counties in which the revenue-
 992 producing project is located, except as provided in s. 348.0004.

993 (6) Selection of projects on the State Highway System for
 994 construction, maintenance, or improvement with toll revenues
 995 shall be, with the concurrence of the department, consistent
 996 with the Florida Transportation Plan.

997 (7) Notwithstanding the provisions of subsection (1), and
 998 not including high occupancy toll lanes or express lanes, no
 999 tolls may be charged for use of an interstate highway where
 1000 tolls were not charged as of July 1, 1997.

1001 (8) With the exception of subsection (3), this section
 1002 does not apply to the turnpike system as defined under the
 1003 Florida Turnpike Enterprise Law.

1004 Section 18. Paragraph (d) is added to subsection (1) of
 1005 section 338.2216, Florida Statutes, to read:

1006 338.2216 Florida Turnpike Enterprise; powers and
 1007 authority.--

1008 (1)

1009 (d) The Florida Turnpike Enterprise is directed to pursue
 1010 and implement new technologies and processes in its operations
 1011 and collection of tolls and the collection of other amounts
 1012 associated with road and infrastructure usage. Such technologies
 1013 and processes shall include, without limitation, video and other
 1014 image-based billing methods and variable pricing.

1015 Section 19. Paragraph (b) of subsection (1) of section
 1016 338.223, Florida Statutes, is amended to read:

1017 338.223 Proposed turnpike projects.--

1018 (1)

1019 (b) Any proposed turnpike project or improvement shall be
 1020 developed in accordance with the Florida Transportation Plan and
 1021 the work program pursuant to s. 339.135. Turnpike projects that
 1022 add capacity, alter access, affect feeder roads, or affect the
 1023 operation of the local transportation system shall be included
 1024 in the transportation improvement plan of the affected
 1025 metropolitan planning organization. If such turnpike project
 1026 does not fall within the jurisdiction of a metropolitan planning
 1027 organization, the department shall notify the affected county
 1028 and provide for public hearings in accordance with s.

1029 339.155 (5) ~~(6)~~ (c).

1030 Section 20. Section 338.231, Florida Statutes, is amended
 1031 to read:

1032 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1033 revenues.--The department shall at all times fix, adjust,
 1034 charge, and collect such tolls for the use of the turnpike
 1035 system as are required in order to provide a fund sufficient
 1036 with other revenues of the turnpike system to pay the cost of

1037 maintaining, improving, repairing, and opera ting such turnpike
 1038 system; to pay the principal of and interest on all bonds issued
 1039 to finance or refinance any portion of the turnpike system as
 1040 the same become due and payable; and to create reserves for all
 1041 such purposes.

1042 ~~(1) In the process of effectuating toll rate increases~~
 1043 ~~over the period 1988 through 1992, the department shall, to the~~
 1044 ~~maximum extent feasible, equalize the toll structure, within~~
 1045 ~~each vehicle classification, so that the per mile toll rate will~~
 1046 ~~be approximately the same throughout the turnpike system. New~~
 1047 ~~turnpike projects may have toll rates higher than the uniform~~
 1048 ~~system rate where such higher toll rates are necessary to~~
 1049 ~~qualify the project in accordance with the financial criteria in~~
 1050 ~~the turnpike law. Such higher rates may be reduced to the~~
 1051 ~~uniform system rate when the project is generating sufficient~~
 1052 ~~revenues to pay the full amount of debt service and operating~~
 1053 ~~and maintenance costs at the uniform system rate. If, after 15~~
 1054 ~~years of opening to traffic, the annual revenue of a turnpike~~
 1055 ~~project does not meet or exceed the annual debt service~~
 1056 ~~requirements and operating and maintenance costs attributable to~~
 1057 ~~such project, the department shall, to the maximum extent~~
 1058 ~~feasible, establish a toll rate for the project which is higher~~
 1059 ~~than the uniform system rate as necessary to meet such annual~~
 1060 ~~debt service requirements and operating and maintenance costs.~~
 1061 ~~The department may, to the extent feasible, establish a~~
 1062 ~~temporary toll rate at less than the uniform system rate for the~~
 1063 ~~purpose of building patronage for the ultimate benefit of the~~
 1064 ~~turnpike system. In no case shall the temporary rate be~~

1065 ~~established for more than 1 year. The requirements of this~~
 1066 ~~subsection shall not apply when the application of such~~
 1067 ~~requirements would violate any covenant established in a~~
 1068 ~~resolution or trust indenture relating to the issuance of~~
 1069 ~~turnpike bonds.~~

1070 (1)~~(2)~~ Notwithstanding any other provision of law, the
 1071 department may defer the scheduled July 1, 1993, toll rate
 1072 increase on the Homestead Extension of the Florida Turnpike
 1073 until July 1, 1995. The department may also advance funds to the
 1074 Turnpike General Reserve Trust Fund to replace estimated lost
 1075 revenues resulting from this deferral. The amount advanced must
 1076 be repaid within 12 years from the date of advance; however, the
 1077 repayment is subordinate to all other debt financing of the
 1078 turnpike system outstanding at the time repayment is due.

1079 (2)~~(3)~~ The department shall publish a proposed change in
 1080 the toll rate for the use of an existing toll facility, in the
 1081 manner provided for in s. 120.54, which will provide for public
 1082 notice and the opportunity for a public hearing before the
 1083 adoption of the proposed rate change. When the department is
 1084 evaluating a proposed turnpike toll project under s. 338.223 and
 1085 has determined that there is a high probability that the project
 1086 will pass the test of economic feasibility predicated on
 1087 proposed toll rates, the toll rate that is proposed to be
 1088 charged after the project is constructed must be adopted during
 1089 the planning and project development phase of the project, in
 1090 the manner provided for in s. 120.54, including public notice
 1091 and the opportunity for a public hearing. For such a new
 1092 project, the toll rate becomes effective upon the opening of the

1093 project to traffic.

1094 (3) (a) ~~(4)~~ For the period July 1, 1998, through June 30,
1095 2017, the department shall, to the maximum extent feasible,
1096 program sufficient funds in the tentative work program such that
1097 the percentage of turnpike toll and bond financed commitments in
1098 Miami-Dade County, Broward County, and Palm Beach County as
1099 compared to total turnpike toll and bond financed commitments
1100 shall be at least 90 percent of the share of net toll
1101 collections attributable to users of the turnpike system in
1102 Miami-Dade County, Broward County, and Palm Beach County as
1103 compared to total net toll collections attributable to users of
1104 the turnpike system. The requirements of this subsection do not
1105 apply when the application of such requirements would violate
1106 any covenant established in a resolution or trust indenture
1107 relating to the issuance of turnpike bonds. The department at
1108 any time for economic considerations may establish lower
1109 temporary toll rates for a new or existing toll facility for a
1110 period not to exceed 1 year, after which the toll rates
1111 promulgated under s. 120.54 shall become effective.

1112 (b) The department shall also fix, adjust, charge, and
1113 collect such amounts needed to cover the costs of administering
1114 the different toll collection and payment methods and types of
1115 accounts being offered and utilized, in the manner provided for
1116 in s. 120.54, which will provide for public notice and the
1117 opportunity for a public hearing before adoption. Such amounts
1118 may stand alone, be incorporated in a toll rate structure, or be
1119 a combination thereof.

1120 (4) ~~(5)~~ When bonds are outstanding which have been issued

1121 | to finance or refinance any turnpike project, the tolls and all
 1122 | other revenues derived from the turnpike system and pledged to
 1123 | such bonds shall be set aside as may be provided in the
 1124 | resolution authorizing the issuance of such bonds or the trust
 1125 | agreement securing the same. The tolls or other revenues or
 1126 | other moneys so pledged and thereafter received by the
 1127 | department are immediately subject to the lien of such pledge
 1128 | without any physical delivery thereof or further act. The lien
 1129 | of any such pledge is valid and binding as against all parties
 1130 | having claims of any kind in tort or contract or otherwise
 1131 | against the department irrespective of whether such parties have
 1132 | notice thereof. Neither the resolution nor any trust agreement
 1133 | by which a pledge is created need be filed or recorded except in
 1134 | the records of the department.

1135 | (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1136 | Broward County Expressway Authority series 1984 and series 1986-
 1137 | A remain outstanding, the department is authorized to pledge
 1138 | revenues from the turnpike system to the payment of principal
 1139 | and interest of such series of bonds and the operation and
 1140 | maintenance expenses of the Sawgrass Expressway, to the extent
 1141 | gross toll revenues of the Sawgrass Expressway are insufficient
 1142 | to make such payments. The terms of an agreement relative to the
 1143 | pledge of turnpike system revenue will be negotiated with the
 1144 | parties of the 1984 and 1986 Broward County Expressway Authority
 1145 | lease-purchase agreements, and subject to the covenants of those
 1146 | agreements. The agreement shall establish that the Sawgrass
 1147 | Expressway shall be subject to the planning, management, and
 1148 | operating control of the department limited only by the terms of

1149 the lease-purchase agreements. The department shall provide for
 1150 the payment of operation and maintenance expenses of the
 1151 Sawgrass Expressway until such agreement is in effect. This
 1152 pledge of turnpike system revenues shall be subordinate to the
 1153 debt service requirements of any future issue of turnpike bonds,
 1154 the payment of turnpike system operation and maintenance
 1155 expenses, and subject to provisions of any subsequent resolution
 1156 or trust indenture relating to the issuance of such turnpike
 1157 bonds.

1158 (6)~~(7)~~ The use and disposition of revenues pledged to
 1159 bonds are subject to the provisions of ss. 338.22-338.241 and
 1160 such regulations as the resolution authorizing the issuance of
 1161 such bonds or such trust agreement may provide.

1162 Section 21. Subsection (4) of section 339.12, Florida
 1163 Statutes, is amended to read:

1164 339.12 Aid and contributions by governmental entities for
 1165 department projects; federal aid.--

1166 (4) (a) Prior to accepting the contribution of road bond
 1167 proceeds, time warrants, or cash for which reimbursement is
 1168 sought, the department shall enter into agreements with the
 1169 governing body of the governmental entity for the project or
 1170 project phases in accordance with specifications agreed upon
 1171 between the department and the governing body of the
 1172 governmental entity. The department in no instance is to receive
 1173 from such governmental entity an amount in excess of the actual
 1174 cost of the project or project phase. By specific provision in
 1175 the written agreement between the department and the governing
 1176 body of the governmental entity, the department may agree to

1177 reimburse the governmental entity for the actual amount of the
1178 bond proceeds, time warrants, or cash used on a highway project
1179 or project phases that are not revenue producing and are
1180 contained in the department's adopted work program, or any
1181 public transportation project contained in the adopted work
1182 program. Subject to appropriation of funds by the Legislature,
1183 the department may commit state funds for reimbursement of such
1184 projects or project phases. Reimbursement to the governmental
1185 entity for such a project or project phase must be made from
1186 funds appropriated by the Legislature, and reimbursement for the
1187 cost of the project or project phase is to begin in the year the
1188 project or project phase is scheduled in the work program as of
1189 the date of the agreement. Funds advanced pursuant to this
1190 section, which were originally designated for transportation
1191 purposes and so reimbursed to a county or municipality, shall be
1192 used by the county or municipality for any transportation
1193 expenditure authorized under s. 336.025(7). Also, cities and
1194 counties may receive funds from persons, and reimburse those
1195 persons, for the purposes of this section. Such persons may
1196 include, but are not limited to, those persons defined in s.
1197 607.01401(19).

1198 (b) Prior to entering an agreement to advance a project or
1199 project phase pursuant to this subsection and subsection (5),
1200 the department shall first update the estimated cost of the
1201 project or project phase and certify that the estimate is
1202 accurate and consistent with the amount estimated in the adopted
1203 work program. If the original estimate and the updated estimate
1204 vary, the department shall amend the adopted work program

1205 according to the amendatory procedures for the work program set
 1206 forth in s. 339.135(7). The amendment shall reflect all
 1207 corresponding increases and decreases to the affected projects
 1208 within the adopted work program.

1209 (c) The department may enter into agreements under this
 1210 subsection for a project or project phase not included in the
 1211 adopted work program. As used in this paragraph, the term
 1212 "project phase" means acquisition of rights-of-way,
 1213 construction, construction inspection, and related support
 1214 phases. The project or project phase must be a high priority of
 1215 the governmental entity. Reimbursement for a project or project
 1216 phase must be made from funds appropriated by the Legislature
 1217 pursuant to s. 339.135(5). All other provisions of this
 1218 subsection apply to agreements entered into under this
 1219 paragraph. The total amount of project agreements for projects
 1220 or project phases not included in the adopted work program
 1221 authorized by this paragraph may not at any time exceed \$250
 1222 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
 1223 limit and any similar limit in s. 334.30, project advances for
 1224 any inland county with a population greater than 500,000
 1225 dedicating amounts equal to \$500 million or more of its Local
 1226 Government Infrastructure Surtax pursuant to s. 212.055(2) for
 1227 improvements to the State Highway System which are included in
 1228 the local metropolitan planning organization's or the
 1229 department's long-range transportation plans shall be excluded
 1230 from the calculation of the statewide limit of project advances.

1231 (d) The department may enter into agreements under this
 1232 subsection with any county that has a population of 150,000 or

1233 less, as determined by the most recent official estimate
 1234 pursuant to s. 186.901, for a project or project phase not
 1235 included in the adopted work program. As used in this paragraph,
 1236 the term "project phase" means acquisition of rights-of-way,
 1237 construction, construction inspection, and related support
 1238 phases. The project or project phase must be a high priority of
 1239 the governmental entity. Reimbursement for a project or project
 1240 phase must be made from funds appropriated by the Legislature
 1241 pursuant to s. 339.135(5). All other provisions of this
 1242 subsection apply to agreements entered into under this
 1243 paragraph. The total amount of project agreements for projects
 1244 or project phases not included in the adopted work program
 1245 authorized by this paragraph may not at any time exceed \$200
 1246 million. The project must be included in the local government's
 1247 adopted comprehensive plan. The department is authorized to
 1248 enter into long-term repayment agreements of up to 30 years.

1249 Section 22. Paragraph (d) of subsection (7) of section
 1250 339.135, Florida Statutes, is amended to read:

1251 339.135 Work program; legislative budget request;
 1252 definitions; preparation, adoption, execution, and amendment.--

1253 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1254 (d)1. Whenever the department proposes any amendment to
 1255 the adopted work program, as defined in subparagraph (c)1. or
 1256 subparagraph (c)3., which deletes or defers a construction phase
 1257 on a capacity project, it shall notify each county affected by
 1258 the amendment and each municipality within the county. The
 1259 notification shall be issued in writing to the chief elected
 1260 official of each affected county and each municipality within

1261 the county and the chair of each affected metropolitan planning
 1262 organization. Each affected county, and each municipality in the
 1263 county, is encouraged to coordinate with each other to determine
 1264 how the amendment affects local concurrency management and
 1265 regional transportation planning efforts. Each affected county,
 1266 and each municipality within the county, shall have 14 days to
 1267 provide written comments to the department regarding how the
 1268 amendment will affect its respective concurrency management
 1269 systems, including whether any development permits were issued
 1270 contingent upon the capacity improvement, if applicable. After
 1271 receipt of written comments from the affected local governments,
 1272 the department shall include any written comments submitted by
 1273 such local governments in its preparation of the proposed
 1274 amendment.

1275 2. Following the 14-day comment period in subparagraph 1.,
 1276 if applicable, whenever the department proposes any amendment to
 1277 the adopted work program, which amendment is defined in
 1278 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 1279 subparagraph (c)4., it shall submit the proposed amendment to
 1280 the Governor for approval and shall immediately notify the
 1281 chairs of the legislative appropriations committees, the chairs
 1282 of the legislative transportation committees, and each member of
 1283 the Legislature who represents a district affected by the
 1284 proposed amendment. It shall also notify each metropolitan
 1285 planning organization affected by the proposed amendment, and
 1286 each unit of local government affected by the proposed
 1287 amendment, unless it provided to each the notification required
 1288 by subparagraph 1. Such proposed amendment shall provide a

1289 complete justification of the need for the proposed amendment.

1290 ~~3.2.~~ The Governor shall not approve a proposed amendment
 1291 until 14 days following the notification required in
 1292 subparagraph 2. ~~4.~~

1293 ~~4.3.~~ If either of the chairs of the legislative
 1294 appropriations committees or the President of the Senate or the
 1295 Speaker of the House of Representatives objects in writing to a
 1296 proposed amendment within 14 days following notification and
 1297 specifies the reasons for such objection, the Governor shall
 1298 disapprove the proposed amendment.

1299 Section 23. Section 339.155, Florida Statutes, is amended
 1300 to read:

1301 339.155 Transportation planning.--

1302 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 1303 develop and annually update a statewide transportation plan, to
 1304 be known as the Florida Transportation Plan. The plan shall be
 1305 designed so as to be easily read and understood by the general
 1306 public. The purpose of the Florida Transportation Plan is to
 1307 establish and define the state's long-range transportation goals
 1308 and objectives to be accomplished over a period of at least 20
 1309 years within the context of the State Comprehensive Plan, and
 1310 any other statutory mandates and authorizations and based upon
 1311 the prevailing principles of: preserving the existing
 1312 transportation infrastructure; enhancing Florida's economic
 1313 competitiveness; and improving travel choices to ensure
 1314 mobility. The Florida Transportation Plan shall consider the
 1315 needs of the entire state transportation system and examine the
 1316 use of all modes of transportation to effectively and

1317 | efficiently meet such needs.

1318 | (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 1319 | out a transportation planning process in conformance with s.
 1320 | 334.046(1). ~~which provides for consideration of projects and~~
 1321 | ~~strategies that will:~~

1322 | ~~(a) Support the economic vitality of the United States,~~
 1323 | ~~Florida, and the metropolitan areas, especially by enabling~~
 1324 | ~~global competitiveness, productivity, and efficiency;~~

1325 | ~~(b) Increase the safety and security of the transportation~~
 1326 | ~~system for motorized and nonmotorized users;~~

1327 | ~~(c) Increase the accessibility and mobility options~~
 1328 | ~~available to people and for freight;~~

1329 | ~~(d) Protect and enhance the environment, promote energy~~
 1330 | ~~conservation, and improve quality of life;~~

1331 | ~~(e) Enhance the integration and connectivity of the~~
 1332 | ~~transportation system, across and between modes throughout~~
 1333 | ~~Florida, for people and freight;~~

1334 | ~~(f) Promote efficient system management and operation; and~~

1335 | ~~(g) Emphasize the preservation of the existing~~
 1336 | ~~transportation system.~~

1337 | (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 1338 | Transportation Plan shall be a unified, concise planning
 1339 | document that clearly defines the state's long-range
 1340 | transportation goals and objectives ~~and documents the~~
 1341 | ~~department's short-range objectives developed to further such~~
 1342 | ~~goals and objectives.~~ The plan shall :

1343 | (a) Include a glossary that clearly and succinctly defines
 1344 | any and all phrases, words, or terms of art included in the

1345 plan, with which the general public may be unfamiliar. ~~and shall~~
 1346 ~~consist of, at a minimum, the following components:~~

1347 ~~(b)(a) Document A long-range component documenting the~~
 1348 ~~goals and long-term objectives necessary to implement the~~
 1349 ~~results of the department's findings from its examination of the~~
 1350 ~~prevailing principles and criteria provided under listed in~~
 1351 ~~subsection (2) and s. 334.046(1). The long-range component must~~

1352 (c) Be developed in cooperation with the metropolitan
 1353 planning organizations and reconciled, to the maximum extent
 1354 feasible, with the long-range plans developed by metropolitan
 1355 planning organizations pursuant to s. 339.175. ~~The plan must~~
 1356 ~~also~~

1357 (d) Be developed in consultation with affected local
 1358 officials in nonmetropolitan areas and with any affected Indian
 1359 tribal governments. ~~The plan must~~

1360 (e) Provide an examination of transportation issues likely
 1361 to arise during at least a 20-year period. ~~The long-range~~
 1362 ~~component shall~~

1363 (f) Be updated at least once every 5 years, or more often
 1364 as necessary, to reflect substantive changes to federal or state
 1365 law.

1366 ~~(b) A short-range component documenting the short-term~~
 1367 ~~objectives and strategies necessary to implement the goals and~~
 1368 ~~long-term objectives contained in the long-range component. The~~
 1369 ~~short-range component must define the relationship between the~~
 1370 ~~long-range goals and the short-range objectives, specify those~~
 1371 ~~objectives against which the department's achievement of such~~
 1372 ~~goals will be measured, and identify transportation strategies~~

1373 ~~necessary to efficiently achieve the goals and objectives in the~~
 1374 ~~plan. It must provide a policy framework within which the~~
 1375 ~~department's legislative budget request, the strategic~~
 1376 ~~information resource management plan, and the work program are~~
 1377 ~~developed. The short-range component shall serve as the~~
 1378 ~~department's annual agency strategic plan pursuant to s.~~
 1379 ~~186.021. The short-range component shall be developed consistent~~
 1380 ~~with available and forecasted state and federal funds. The~~
 1381 ~~short-range component shall also be submitted to the Florida~~
 1382 ~~Transportation Commission.~~

1383 ~~(4) ANNUAL PERFORMANCE REPORT.~~ The department shall
 1384 ~~develop an annual performance report evaluating the operation of~~
 1385 ~~the department for the preceding fiscal year. The report shall~~
 1386 ~~also include a summary of the financial operations of the~~
 1387 ~~department and shall annually evaluate how well the adopted work~~
 1388 ~~program meets the short-term objectives contained in the short-~~
 1389 ~~range component of the Florida Transportation Plan. This~~
 1390 ~~performance report shall be submitted to the Florida~~
 1391 ~~Transportation Commission and the legislative appropriations and~~
 1392 ~~transportation committees.~~

1393 ~~(4)~~ (5) ADDITIONAL TRANSPORTATION PLANS.--

1394 (a) Upon request by local governmental entities, the
 1395 department may in its discretion develop and design
 1396 transportation corridors, arterial and collector streets,
 1397 vehicular parking areas, and other support facilities which are
 1398 consistent with the plans of the department for major
 1399 transportation facilities. The department may render to local
 1400 governmental entities or their planning agencies such technical

1401 assistance and services as are necessary so that local plans and
1402 facilities are coordinated with the plans and facilities of the
1403 department.

1404 (b) Each regional planning council, as provided for in s.
1405 186.504, or any successor agency thereto, shall develop, as an
1406 element of its strategic regional policy plan, transportation
1407 goals and policies. The transportation goals and policies must
1408 be prioritized to comply with the prevailing principles provided
1409 in subsection (2) and s. 334.046(1). The transportation goals
1410 and policies shall be consistent, to the maximum extent
1411 feasible, with the goals and policies of the metropolitan
1412 planning organization and the Florida Transportation Plan. The
1413 transportation goals and policies of the regional planning
1414 council will be advisory only and shall be submitted to the
1415 department and any affected metropolitan planning organization
1416 for their consideration and comments. Metropolitan planning
1417 organization plans and other local transportation plans shall be
1418 developed consistent, to the maximum extent feasible, with the
1419 regional transportation goals and policies. The regional
1420 planning council shall review urbanized area transportation
1421 plans and any other planning products stipulated in s. 339.175
1422 and provide the department and respective metropolitan planning
1423 organizations with written recommendations which the department
1424 and the metropolitan planning organizations shall take under
1425 advisement. Further, the regional planning councils shall
1426 directly assist local governments which are not part of a
1427 metropolitan area transportation planning process in the
1428 development of the transportation element of their comprehensive

1429 plans as required by s. 163.3177.

1430 (c) Regional transportation plans may be developed in
1431 regional transportation areas in accordance with an interlocal
1432 agreement entered into pursuant to s. 163.01 by two or more
1433 contiguous metropolitan planning organizations; one or more
1434 metropolitan planning organizations and one or more contiguous
1435 counties, none of which is a member of a metropolitan planning
1436 organization; a multicounty regional transportation authority
1437 created by or pursuant to law; two or more contiguous counties
1438 that are not members of a metropolitan planning organization; or
1439 metropolitan planning organizations comprised of three or more
1440 counties.

1441 (d) The interlocal agreement must, at a minimum, identify
1442 the entity that will coordinate the development of the regional
1443 transportation plan; delineate the boundaries of the regional
1444 transportation area; provide the duration of the agreement and
1445 specify how the agreement may be terminated, modified, or
1446 rescinded; describe the process by which the regional
1447 transportation plan will be developed; and provide how members
1448 of the entity will resolve disagreements regarding
1449 interpretation of the interlocal agreement or disputes relating
1450 to the development or content of the regional transportation
1451 plan. Such interlocal agreement shall become effective upon its
1452 recordation in the official public records of each county in the
1453 regional transportation area.

1454 (e) The regional transportation plan developed pursuant to
1455 this section must, at a minimum, identify regionally significant
1456 transportation facilities located within a regional

1457 transportation area and contain a prioritized list of regionally
 1458 significant projects. The level-of-service standards for
 1459 facilities to be funded under this subsection shall be adopted
 1460 by the appropriate local government in accordance with s.
 1461 163.3180(10). The projects shall be adopted into the capital
 1462 improvements schedule of the local government comprehensive plan
 1463 pursuant to s. 163.3177(3).

1464 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1465 TRANSPORTATION PLANNING.--

1466 (a) During the development of the ~~long-range component of~~
 1467 ~~the~~ Florida Transportation Plan and prior to substantive
 1468 revisions, the department shall provide citizens, affected
 1469 public agencies, representatives of transportation agency
 1470 employees, other affected employee representatives, private
 1471 providers of transportation, and other known interested parties
 1472 with an opportunity to comment on the proposed plan or
 1473 revisions. These opportunities shall include, at a minimum,
 1474 publishing a notice in the Florida Administrative Weekly and
 1475 within a newspaper of general circulation within the area of
 1476 each department district office.

1477 (b) During development of major transportation
 1478 improvements, such as those increasing the capacity of a
 1479 facility through the addition of new lanes or providing new
 1480 access to a limited or controlled access facility or
 1481 construction of a facility in a new location, the department
 1482 shall hold one or more hearings prior to the selection of the
 1483 facility to be provided; prior to the selection of the site or
 1484 corridor of the proposed facility; and prior to the selection of

1485 and commitment to a specific design proposal for the proposed
 1486 facility. Such public hearings shall be conducted so as to
 1487 provide an opportunity for effective participation by interested
 1488 persons in the process of transportation planning and site and
 1489 route selection and in the specific location and design of
 1490 transportation facilities. The various factors involved in the
 1491 decision or decisions and any alternative proposals shall be
 1492 clearly presented so that the persons attending the hearing may
 1493 present their views relating to the decision or decisions which
 1494 will be made.

1495 (c) Opportunity for design hearings:

1496 1. The department, prior to holding a design hearing,
 1497 shall duly notify all affected property owners of record, as
 1498 recorded in the property appraiser's office, by mail at least 20
 1499 days prior to the date set for the hearing. The affected
 1500 property owners shall be:

1501 a. Those whose property lies in whole or in part within
 1502 300 feet on either side of the centerline of the proposed
 1503 facility.

1504 b. Those whom the department determines will be
 1505 substantially affected environmentally, economically, socially,
 1506 or safetywise.

1507 2. For each subsequent hearing, the department shall
 1508 publish notice prior to the hearing date in a newspaper of
 1509 general circulation for the area affected. These notices must be
 1510 published twice, with the first notice appearing at least 15
 1511 days, but no later than 30 days, before the hearing.

1512 3. A copy of the notice of opportunity for the hearing

1513 must be furnished to the United States Department of
 1514 Transportation and to the appropriate departments of the state
 1515 government at the time of publication.

1516 4. The opportunity for another hearing shall be afforded
 1517 in any case when proposed locations or designs are so changed
 1518 from those presented in the notices specified above or at a
 1519 hearing as to have a substantially different social, economic,
 1520 or environmental effect.

1521 5. The opportunity for a hearing shall be afforded in each
 1522 case in which the department is in doubt as to whether a hearing
 1523 is required.

1524 Section 24. Subsection (3) and paragraphs (b) and (c) of
 1525 subsection (4) of section 339.2816, Florida Statutes, are
 1526 amended to read:

1527 339.2816 Small County Road Assistance Program.--

1528 (3) Beginning with fiscal year 1999-2000 until fiscal year
 1529 2009-2010, and beginning again with fiscal year 2012-2013, up to
 1530 \$25 million annually from the State Transportation Trust Fund
 1531 may be used for the purposes of funding the Small County Road
 1532 Assistance Program as described in this section.

1533 (4)

1534 (b) In determining a county's eligibility for assistance
 1535 under this program, the department may consider whether the
 1536 county has attempted to keep county roads in satisfactory
 1537 condition, including the amount of local option fuel tax ~~and ad~~
 1538 ~~valorem millage rate~~ imposed by the county. The department may
 1539 also consider the extent to which the county has offered to
 1540 provide a match of local funds with state funds provided under

1541 the program. At a minimum, small counties shall be eligible only
 1542 if:

1543 ~~1. the county has enacted the maximum rate of the local~~
 1544 ~~option fuel tax authorized by s. 336.025(1) (a) .7 and has imposed~~
 1545 ~~an ad valorem millage rate of at least 8 mills; or~~

1546 ~~2. The county has imposed an ad valorem millage rate of 10~~
 1547 ~~mills.~~

1548 (c) The following criteria shall be used to prioritize
 1549 road projects for funding under the program:

1550 1. The primary criterion is the physical condition of the
 1551 road as measured by the department.

1552 2. As secondary criteria the department may consider:

- 1553 a. Whether a road is used as an evacuation route.
- 1554 b. Whether a road has high levels of agricultural travel.
- 1555 c. Whether a road is considered a major arterial route.
- 1556 d. Whether a road is considered a feeder road.
- 1557 e. Whether a road is located in a fiscally constrained

1558 county, as defined in s. 218.67(1).

1559 ~~f.e.~~ Other criteria related to the impact of a project on
 1560 the public road system or on the state or local economy as
 1561 determined by the department.

1562 Section 25. Subsections (1) and (3) of section 339.2819,
 1563 Florida Statutes, are amended to read:

1564 339.2819 Transportation Regional Incentive Program.--

1565 (1) There is created within the Department of
 1566 Transportation a Transportation Regional Incentive Program for
 1567 the purpose of providing funds to improve regionally significant
 1568 transportation facilities in regional transportation areas

1569 created pursuant to s. 339.155(4)~~(5)~~.

1570 (3) The department shall allocate funding available for
 1571 the Transportation Regional Incentive Program to the districts
 1572 based on a factor derived from equal parts of population and
 1573 motor fuel collections for eligible counties in regional
 1574 transportation areas created pursuant to s. 339.155(4)~~(5)~~.

1575 Section 26. Subsection (6) of section 339.285, Florida
 1576 Statutes, is amended to read:

1577 339.285 Enhanced Bridge Program for Sustainable
 1578 Transportation.--

1579 (6) Preference shall be given to bridge projects located
 1580 on corridors that connect to the Strategic Intermodal System,
 1581 created under s. 339.64, and that have been identified as
 1582 regionally significant in accordance with s. 339.155(4)~~(5)~~(c),
 1583 (d), and (e).

1584 Section 27. Part III of chapter 343, Florida Statutes,
 1585 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
 1586 343.76, and 343.77, is repealed.

1587 Section 28. Subsection (4) of section 348.0003, Florida
 1588 Statutes, is amended to read:

1589 348.0003 ~~Expressway~~ Authority; formation and~~r~~
 1590 membership.--

1591 (4)

1592 (c) Members of each expressway an authority,
 1593 transportation authority, bridge authority, or toll authority,
 1594 created pursuant to this chapter, chapter 343, or chapter 349,
 1595 or pursuant to any other legislative enactment, shall be
 1596 required to comply with the applicable financial disclosure

1597 requirements of s. 8, Art. II of the State Constitution. This
 1598 paragraph does not subject a statutorily created expressway
 1599 authority, transportation authority, bridge authority, or toll
 1600 authority, other than one created under this part, to any of the
 1601 requirements of this part other than those contained in this
 1602 paragraph.

1603 Section 29. Paragraph (c) is added to subsection (1) of
 1604 section 348.0004, Florida Statutes, to read:

1605 348.0004 Purposes and powers.--

1606 (1)

1607 (c) Notwithstanding any other provision of law, expressway
 1608 authorities created under chapter 348 may index toll rates on
 1609 toll facilities to the annual Consumer Price Index or similar
 1610 inflation indicators. Once a toll rate index has been
 1611 implemented pursuant to this paragraph, the toll rate index
 1612 shall remain in place and may not be revoked. The toll rate
 1613 index for inflation under this subsection must be adopted and
 1614 approved by the expressway authority board at a public meeting
 1615 and may be made no more frequently than once a year and must be
 1616 made no less frequently than once every 5 years as necessary to
 1617 accommodate cash toll rate schedules. Toll rates may be
 1618 increased beyond these limits as directed by bond documents,
 1619 covenants, or governing body authorizations or pursuant to
 1620 department administrative rule.

1621 Section 30. Subsection (1) of section 479.01, Florida
 1622 Statutes, is amended to read:

1623 479.01 Definitions.--As used in this chapter, the term:

1624 (1) "Automatic changeable facing" means a facing that

1625 ~~which through a mechanical system~~ is capable of delivering two
 1626 or more advertising messages through an automated or remotely
 1627 controlled process and ~~shall not rotate so rapidly as to cause~~
 1628 ~~distraction to a motorist.~~

1629 Section 31. Subsections (1), (5), and (9) of section
 1630 479.07, Florida Statutes, are amended to read:

1631 479.07 Sign permits.--

1632 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 1633 person may not erect, operate, use, or maintain, or cause to be
 1634 erected, operated, used, or maintained, any sign on the State
 1635 Highway System outside an urban incorporated area, as defined in
 1636 s. 334.03(32), or on any portion of the interstate or federal-
 1637 aid primary highway system without first obtaining a permit for
 1638 the sign from the department and paying the annual fee as
 1639 provided in this section. For purposes of this section, "on any
 1640 portion of the State Highway System, interstate, or federal-aid
 1641 primary system" shall mean a sign located within the controlled
 1642 area which is visible from any portion of the main-traveled way
 1643 of such system.

1644 (5) (a) For each permit issued, the department shall
 1645 furnish to the applicant a serially numbered permanent metal
 1646 permit tag. The permittee is responsible for maintaining a valid
 1647 permit tag on each permitted sign facing at all times. The tag
 1648 shall be securely attached to the sign facing or, if there is no
 1649 facing, on the pole nearest the highway; and it shall be
 1650 attached in such a manner as to be plainly visible from the
 1651 main-traveled way. Effective July 1, 2012, the tag shall be
 1652 securely attached to the upper 50 percent of the pole nearest

1653 the highway and shall be attached in such a manner as to be
 1654 plainly visible from the main traveled way. The permit will
 1655 become void unless the permit tag is properly and permanently
 1656 displayed at the permitted site within 30 days after the date of
 1657 permit issuance. If the permittee fails to erect a completed
 1658 sign on the permitted site within 270 days after the date on
 1659 which the permit was issued, the permit will be void, and the
 1660 department may not issue a new permit to that permittee for the
 1661 same location for 270 days after the date on which the permit
 1662 became void.

1663 (b) If a permit tag is lost, stolen, or destroyed, the
 1664 permittee to whom the tag was issued may ~~must~~ apply to the
 1665 department for a replacement tag. The department shall establish
 1666 by rule a service fee for replacement tags in an amount that
 1667 will recover the actual cost of providing the replacement tag.
 1668 Upon receipt of the application accompanied by the ~~a~~ service fee
 1669 ~~of \$3~~, the department shall issue a replacement permit tag.
 1670 Alternatively, the permittee may provide its own replacement tag
 1671 pursuant to department specifications which the department shall
 1672 establish by rule at the time it establishes the service fee for
 1673 replacement tags.

1674 (9) (a) A permit shall not be granted for any sign for
 1675 which a permit had not been granted by the effective date of
 1676 this act unless such sign is located at least:

- 1677 1. One thousand five hundred feet from any other permitted
 1678 sign on the same side of the highway, if on an interstate
 1679 highway.
- 1680 2. One thousand feet from any other permitted sign on the

1681 same side of the highway, if on a federal-aid primary highway.

1682
 1683 The minimum spacing provided in this paragraph does not preclude
 1684 the permitting of V-type, back-to-back, side-to-side, stacked,
 1685 or double-faced signs at the permitted sign site. If a sign is
 1686 visible from the controlled area of more than one highway
 1687 subject to the jurisdiction of the department, the sign shall
 1688 meet the permitting requirements of, and, if the sign meets the
 1689 applicable permitting requirements, be permitted to, the highway
 1690 with the more stringent permitting requirements.

1691 (b) A permit shall not be granted for a sign pursuant to
 1692 this chapter to locate such sign on any portion of the
 1693 interstate or federal-aid primary highway system, which sign:

- 1694 1. Exceeds 50 feet in sign structure height above the
- 1695 crown of the main-traveled way, if outside an incorporated area;
- 1696 2. Exceeds 65 feet in sign structure height above the
- 1697 crown of the main-traveled way, if inside an incorporated area;
- 1698 or
- 1699 3. Exceeds 950 square feet of sign facing including all
- 1700 embellishments.

1701 (c) Notwithstanding subparagraph (a)1., there is
 1702 established a pilot program in Orange, Hillsborough, and Osceola
 1703 Counties, and within the boundaries of the City of Miami, under
 1704 which the distance between permitted signs on the same side of
 1705 an interstate highway may be reduced to 1,000 feet if all other
 1706 requirements of this chapter are met and if:

- 1707 1. The local government has adopted a plan, program,
- 1708 resolution, ordinance, or other policy encouraging the voluntary

1709 removal of signs in a downtown, historic, redevelopment, infill,
 1710 or other designated area which also provides for a new or
 1711 replacement sign to be erected on an interstate highway within
 1712 that jurisdiction if a sign in the designated area is removed;

1713 2. The sign owner and the local government mutually agree
 1714 to the terms of the removal and replacement; and

1715 3. The local government notifies the department of its
 1716 intention to allow such removal and replacement as agreed upon
 1717 pursuant to subparagraph 2.

1718

1719 The department shall maintain statistics tracking the use of the
 1720 provisions of this pilot program based on the notifications
 1721 received by the department from local governments under this
 1722 paragraph.

1723 (d) Nothing in this subsection shall be construed so as to
 1724 cause a sign which was conforming on October 1, 1984, to become
 1725 nonconforming.

1726 Section 32. Section 479.08, Florida Statutes, is amended
 1727 to read:

1728 479.08 Denial or revocation of permit.--The department has
 1729 the authority to deny or revoke any permit requested or granted
 1730 under this chapter in any case in which it determines that the
 1731 application for the permit contains knowingly false or knowingly
 1732 misleading information. The department has the authority to
 1733 revoke any permit granted under this chapter in any case in
 1734 which ~~or that~~ the permittee has violated any of the provisions
 1735 of this chapter, unless such permittee, within 30 days after the
 1736 receipt of notice by the department, ~~corrects such false or~~

1737 ~~misleading information and~~ complies with the provisions of this
 1738 chapter. For the purpose of this section, the notice of
 1739 violation issued by the department shall describe in detail the
 1740 alleged violation. Any person aggrieved by any action of the
 1741 department in denying or revoking a permit under this chapter
 1742 may, within 30 days after receipt of the notice, apply to the
 1743 department for an administrative hearing pursuant to chapter
 1744 120. If a timely request for hearing has been filed and the
 1745 department issues a final order revoking a permit, such
 1746 revocation shall be effective 30 days after the date of
 1747 rendition. Except for department action pursuant to s.
 1748 479.107(1), the filing of a timely and proper notice of appeal
 1749 shall operate to stay the revocation until the department's
 1750 action is upheld.

1751 Section 33. Section 479.156, Florida Statutes, is amended
 1752 to read:

1753 479.156 Wall murals.--Notwithstanding any other provision
 1754 of this chapter, a municipality or county may permit and
 1755 regulate wall murals within areas designated by such government.
 1756 If a municipality or county permits wall murals, a wall mural
 1757 that displays a commercial message and is within 660 feet of the
 1758 nearest edge of the right-of-way within an area adjacent to the
 1759 interstate highway system or the federal-aid primary highway
 1760 system shall be located in an area that is zoned for industrial
 1761 or commercial use and the municipality or county shall establish
 1762 and enforce regulations for such areas that, at a minimum, set
 1763 forth criteria governing the size, lighting, and spacing of wall
 1764 murals consistent with the intent of the Highway Beautification

1765 Act of 1965 and with customary use. Whenever a municipality or
 1766 county exercises such control and makes a determination of
 1767 customary use, pursuant to 23 U.S.C. s. 131(d), such
 1768 determination shall be accepted in lieu of controls in the
 1769 agreement between the state and the United States Department of
 1770 Transportation, and the Department of Transportation shall
 1771 notify the Federal Highway Administration pursuant to the
 1772 agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A
 1773 wall mural that is subject to municipal or county regulation and
 1774 the Highway Beautification Act of 1965 must be approved by the
 1775 Department of Transportation and the Federal Highway
 1776 Administration where required by federal law and federal
 1777 regulation pursuant to ~~and may not violate~~ the agreement between
 1778 the state and the United States Department of Transportation and
 1779 ~~or violate~~ federal regulations enforced by the Department of
 1780 Transportation under s. 479.02(1). The existence of a wall mural
 1781 as defined in s. 479.01(27) shall not be considered in
 1782 determining whether a sign as defined in s. 479.01(17), either
 1783 existing or new, is in compliance with s. 479.07(9)(a).

1784 Section 34. Subsections (1), (3), (4), and (5) of section
 1785 479.261, Florida Statutes, are amended to read:

1786 479.261 Logo sign program.--

1787 (1) The department shall establish a logo sign program for
 1788 the rights-of-way of the interstate highway system to provide
 1789 information to motorists about available gas, food, lodging, ~~and~~
 1790 camping, attractions, and other services, as approved by the
 1791 Federal Highway Administration, at interchanges, through the use
 1792 of business logos, and may include additional interchanges under

1793 the program. ~~A logo sign for nearby attractions may be added to~~
1794 ~~this program if allowed by federal rules.~~

1795 (a) An "attraction," as used in this chapter, is defined
1796 as an establishment, site, facility, or landmark that ~~which~~ is
1797 open a minimum of 5 days a week for 52 weeks a year; that ~~which~~
1798 ~~charges an admission for entry; which~~ has as its principal focus
1799 family-oriented entertainment, cultural, educational,
1800 recreational, scientific, or historical activities; and that
1801 ~~which~~ is publicly recognized as a bona fide tourist attraction.
1802 ~~However, the permits for businesses seeking to participate in~~
1803 ~~the attractions logo sign program shall be awarded by the~~
1804 ~~department annually to the highest bidders, notwithstanding the~~
1805 ~~limitation on fees in subsection (5), which are qualified for~~
1806 ~~available space at each qualified location, but the fees~~
1807 ~~therefor may not be less than the fees established for logo~~
1808 ~~participants in other logo categories.~~

1809 (b) The department shall incorporate the use of RV-
1810 friendly markers on specific information logo signs for
1811 establishments that cater to the needs of persons driving
1812 recreational vehicles. Establishments that qualify for
1813 participation in the specific information logo program and that
1814 also qualify as "RV-friendly" may request the RV-friendly marker
1815 on their specific information logo sign. An RV-friendly marker
1816 must consist of a design approved by the Federal Highway
1817 Administration. The department shall adopt rules in accordance
1818 with chapter 120 to administer this paragraph, including rules
1819 setting forth the minimum requirements that establishments must
1820 meet in order to qualify as RV-friendly. These requirements

1821 shall include large parking spaces, entrances, and exits that
 1822 can easily accommodate recreational vehicles and facilities
 1823 having appropriate overhead clearances, if applicable.

1824 (c) The department may implement a 3-year rotation-based
 1825 logo program providing for the removal and addition of
 1826 participating businesses in the program.

1827 (3) Logo signs may be installed upon the issuance of an
 1828 annual permit by the department or its agent and payment of a ~~an~~
 1829 ~~application and permit fee to the department or its agent.~~

1830 (4) The department may contract pursuant to s. 287.057 for
 1831 the provision of services related to the logo sign program,
 1832 including recruitment and qualification of businesses, review of
 1833 applications, permit issuance, and fabrication, installation,
 1834 and maintenance of logo signs. The department may reject all
 1835 proposals and seek another request for proposals or otherwise
 1836 perform the work. ~~If the department contracts for the provision~~
 1837 ~~of services for the logo sign program, the contract must~~
 1838 ~~require, unless the business owner declines, that businesses~~
 1839 ~~that previously entered into agreements with the department to~~
 1840 ~~privately fund logo sign construction and installation be~~
 1841 ~~reimbursed by the contractor for the cost of the signs which has~~
 1842 ~~not been recovered through a previously agreed upon waiver of~~
 1843 ~~fees.~~ The contract also may allow the contractor to retain a
 1844 portion of the annual fees as compensation for its services.

1845 (5) Permit fees for businesses that participate in the
 1846 program must be established in an amount sufficient to offset
 1847 the total cost to the department for the program, including
 1848 contract costs. The department shall provide the services in the

1849 | most efficient and cost-effective manner through department
 1850 | staff or by contracting for some or all of the services. The
 1851 | department shall adopt rules that set reasonable rates based
 1852 | upon factors such as population, traffic volume, market demand,
 1853 | and costs for annual permit fees. However, annual permit fees
 1854 | for sign locations inside an urban area, as defined in s.
 1855 | 334.03(32), may not exceed \$5,000 and annual permit fees for
 1856 | sign locations outside an urban area, as defined in s.
 1857 | 334.03(32), may not exceed \$2,500. After recovering program
 1858 | costs, the proceeds from the logo program shall be deposited
 1859 | into the State Transportation Trust Fund and used for
 1860 | transportation purposes. Such annual permit fee shall not exceed
 1861 | \$1,250.

1862 | Section 35. Business partnerships; display of names.--

1863 | (1) School districts are encouraged to partner with local
 1864 | businesses for the purposes of mentorship opportunities,
 1865 | development of employment options and additional funding
 1866 | sources, and other mutual benefits.

1867 | (2) As a pilot program through June 30, 2011, the Palm
 1868 | Beach County School District may publicly display the names and
 1869 | recognitions of its business partners on school district
 1870 | property in unincorporated areas. Examples of appropriate
 1871 | business partner recognition include "Project Graduation" and
 1872 | athletic sponsorships. The district shall make every effort to
 1873 | display business partner names in a manner that is consistent
 1874 | with the county standards for uniformity in size, color, and
 1875 | placement of the signs. Whenever the provisions of this section
 1876 | are inconsistent with the provisions of the county ordinances or

1877 regulations relating to signs or the provisions of chapter 125,
 1878 chapter 166, or chapter 479, Florida Statutes, in the
 1879 unincorporated areas, the provisions of this section shall
 1880 prevail.

1881 Section 36. Notwithstanding any provision of chapter 74-
 1882 400, Laws of Florida, public funds may be used for the
 1883 alteration of Old Cutler Road, between Southwest 136th Street
 1884 and Southwest 184th Street, in the Village of Palmetto Bay.

1885 (1) The alteration may include the installation of
 1886 sidewalks, curbing, and landscaping to enhance pedestrian access
 1887 to the road.

1888 (2) The official approval of the project by the Department
 1889 of State must be obtained before any alteration is started.

1890 Section 37. Subsection (1) of section 120.52, Florida
 1891 Statutes, is amended to read:

1892 120.52 Definitions.--As used in this act:

1893 (1) "Agency" means:

1894 (a) The Governor in the exercise of all executive powers
 1895 other than those derived from the constitution.

1896 (b) Each:

1897 1. State officer and state department, and each
 1898 departmental unit described in s. 20.04.

1899 2. Authority, including a regional water supply authority.

1900 3. Board, including the Board of Governors of the State
 1901 University System and a state university board of trustees when
 1902 acting pursuant to statutory authority derived from the
 1903 Legislature.

1904 4. Commission, including the Commission on Ethics and the

1905 Fish and Wildlife Conservation Commission when acting pursuant
 1906 to statutory authority derived from the Legislature.

1907 5. Regional planning agency.

1908 6. Multicounty special district with a majority of its
 1909 governing board comprised of nonelected persons.

1910 7. Educational units.

1911 8. Entity described in chapters 163, 373, 380, and 582 and
 1912 s. 186.504.

1913 (c) Each other unit of government in the state, including
 1914 counties and municipalities, to the extent they are expressly
 1915 made subject to this act by general or special law or existing
 1916 judicial decisions.

1917
 1918 This definition does not include any legal entity or agency
 1919 created in whole or in part pursuant to chapter 361, part II,
 1920 any metropolitan planning organization created pursuant to s.
 1921 339.175, any separate legal or administrative entity created
 1922 pursuant to s. 339.175 of which a metropolitan planning
 1923 organization is a member, an expressway authority pursuant to
 1924 chapter 348 or any transportation authority under chapter 343 or
 1925 chapter 349, any legal or administrative entity created by an
 1926 interlocal agreement pursuant to s. 163.01(7), unless any party
 1927 to such agreement is otherwise an agency as defined in this
 1928 subsection, or any multicounty special district with a majority
 1929 of its governing board comprised of elected persons; however,
 1930 this definition shall include a regional water supply authority.

1931 Section 38. Except as otherwise expressly provided in this
 1932 act, this act shall take effect upon becoming a law.