

1 A bill to be entitled
2 An act relating to transportation; amending s. 120.52,
3 F.S.; redefining the term "agency" for purposes of ch.
4 120, F.S., to include certain regional transportation and
5 transit authorities; amending s. 125.42, F.S.; providing
6 for counties to incur certain costs related to the
7 relocation or removal of certain utility facilities under
8 specified circumstances; amending s. 163.3177, F.S.;
9 revising requirements for comprehensive plans; providing a
10 timeframe for submission of certain information to the
11 state land planning agency; providing for airports, land
12 adjacent to airports, and certain interlocal agreements
13 relating thereto in certain elements of the plan; amending
14 s. 163.3178, F.S.; providing that certain port-related
15 facilities may not be designated as developments of
16 regional impact under certain circumstances; amending s.
17 163.3180, F.S.; providing a definition for "backlog";
18 amending s. 163.3182, F.S., relating to transportation
19 concurrency backlog authorities; providing legislative
20 findings and declarations; expanding the power of
21 authorities to borrow money to include issuing certain
22 debt obligations; providing a maximum maturity date for
23 certain debt incurred to finance or refinance certain
24 transportation concurrency backlog projects; authorizing
25 authorities to continue operations and administer certain
26 trust funds for the period of the remaining outstanding
27 debt; requiring local transportation concurrency backlog
28 trust funds to continue to be funded for certain purposes;

29 providing for increased ad valorem tax increment funding
30 for such trust funds under certain circumstances; revising
31 provisions for dissolution of an authority; amending s.
32 337.11, F.S.; providing for the department to pay a
33 portion of certain proposal development costs; requiring
34 the department to advertise certain contracts as design-
35 build contracts; amending s. 337.18, F.S.; requiring the
36 contractor to maintain a copy of the required payment and
37 performance bond at certain locations and provide a copy
38 upon request; providing that a copy may be obtained
39 directly from the department; removing a provision
40 requiring that a copy be recorded in the public records of
41 the county; amending s. 337.185, F.S.; providing for the
42 State Arbitration Board to arbitrate certain claims
43 relating to maintenance contracts; providing for a member
44 of the board to be elected by maintenance companies as
45 well as construction companies; amending s. 337.403, F.S.;
46 providing for the department or local governmental entity
47 to pay certain costs of removal or relocation of a utility
48 facility that is found to be interfering with the use,
49 maintenance, improvement, extension, or expansion of a
50 public road or publicly owned rail corridor under
51 described circumstances; amending s. 337.408, F.S.;
52 providing for public pay telephones and advertising
53 thereon to be installed within the right-of-way limits of
54 any municipal, county, or state road; amending s. 338.01,
55 F.S.; requiring new and replacement electronic toll
56 collection systems to be interoperable with the

57 department's system; amending s. 338.165, F.S.; providing
58 that provisions requiring the continuation of tolls
59 following the discharge of bond indebtedness does not
60 apply to high-occupancy toll lanes or express lanes;
61 creating s. 338.166, F.S.; authorizing the department to
62 request that bonds be issued which are secured by toll
63 revenues from high-occupancy toll or express lanes in a
64 specified location; providing for the department to
65 continue to collect tolls after discharge of indebtedness;
66 authorizing the use of excess toll revenues for
67 improvements to the State Highway System; authorizing the
68 implementation of variable rate tolls on high-occupancy
69 toll lanes or express lanes; amending s. 338.2216, F.S.;
70 directing the Florida Turnpike Enterprise to implement new
71 technologies and processes in its operations and
72 collection of tolls and other amounts; amending s.
73 338.231, F.S.; revising provisions for establishing and
74 collecting tolls; authorizing the collection of amounts to
75 cover costs of toll collection and payment methods;
76 requiring public notice and hearing; amending s. 339.12,
77 F.S.; revising requirements for aid and contributions by
78 governmental entities for transportation projects;
79 revising limits under which the department may enter into
80 an agreement with a county for a project or project phase
81 not in the adopted work program; authorizing the
82 department to enter into certain long-term repayment
83 agreements; amending s. 339.135, F.S.; revising certain
84 notice provisions that require the Department of

85 Transportation to notify local governments regarding
86 amendments to an adopted 5-year work program; amending s.
87 339.2816, F.S., relating to the small county road
88 assistance program; providing for resumption of certain
89 funding for the program; revising the criteria for
90 counties eligible to participate in the program; amending
91 s. 348.0003, F.S.; requiring transportation, bridge, and
92 toll authorities to comply with the financial disclosure
93 requirements of the State Constitution; amending s.
94 479.01, F.S.; revising provisions for outdoor advertising;
95 revising the definition of the term "automatic changeable
96 facing"; amending s. 479.07, F.S.; revising a prohibition
97 against signs on the State Highway System; revising
98 requirements for display of the sign permit tag; directing
99 the department to establish by rule a fee for furnishing a
100 replacement permit tag; revising the pilot project for
101 permitted signs to include Hillsborough County and areas
102 within the boundaries of the City of Miami; amending s.
103 479.08, F.S.; revising provisions for denial or revocation
104 of a sign permit; amending s. 479.156, F.S.; clarifying
105 that a municipality or county is authorized to make a
106 determination of customary use with respect to regulations
107 governing commercial wall murals and that such
108 determination must be accepted in lieu of any agreement
109 between the state and the United States Department of
110 Transportation; amending s. 479.261, F.S.; revising
111 requirements for the logo sign program of the interstate
112 highway system; deleting provisions providing for permits

113 to be awarded to the highest bidders; requiring the
 114 department to implement a rotation-based logo program;
 115 requiring the department to adopt rules that set
 116 reasonable rates based on certain factors for annual
 117 permit fees; requiring that such fees not exceed a certain
 118 amount for sign locations inside and outside an urban
 119 area; requiring the department to conduct a study of
 120 transportation alternatives for the Interstate 95 corridor
 121 and report to the Governor, the Legislature, and the
 122 affected metropolitan planning organizations; repealing
 123 part III of ch. 343 F.S., relating to the Tampa Bay
 124 Commuter Transit Authority; transferring any assets to the
 125 Tampa Bay Area Regional Transportation Authority; amending
 126 s. 316.191, F.S.; increasing the period for which a
 127 vehicle may be impounded for certain violations of state
 128 law relating to racing on highways; amending s. 316.191,
 129 F.S.; defining the term "race"; providing an effective
 130 date.

131

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

133

134 Section 1. Section 120.52, Florida Statutes, is amended to
 135 read:

136 120.52 Definitions.--As used in this act:

137 (1) "Agency" means:

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

140 (b) Each:

- 141 1. State officer and state department, and each
 142 departmental unit described in s. 20.04.
- 143 2. Authority, including a regional water supply authority.
- 144 3. Board, including the Board of Governors of the State
 145 University System and a state university board of trustees when
 146 acting pursuant to statutory authority derived from the
 147 Legislature.
- 148 4. Commission, including the Commission on Ethics and the
 149 Fish and Wildlife Conservation Commission when acting pursuant
 150 to statutory authority derived from the Legislature.
- 151 5. Regional planning agency.
- 152 6. Multicounty special district with a majority of its
 153 governing board comprised of nonelected persons.
- 154 7. Educational units.
- 155 8. Entity described in chapters 163, 373, 380, and 582 and
 156 s. 186.504.

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

161

162 This definition does not include any legal entity or agency
 163 created in whole or in part pursuant to chapter 361, part II,
 164 any metropolitan planning organization created pursuant to s.
 165 339.175, any separate legal or administrative entity created
 166 pursuant to s. 339.175 of which a metropolitan planning
 167 organization is a member, an expressway authority pursuant to
 168 chapter 348 or any transportation authority under chapter 343 or

169 chapter 349, any legal or administrative entity created by an
 170 interlocal agreement pursuant to s. 163.01(7), unless any party
 171 to such agreement is otherwise an agency as defined in this
 172 subsection, or any multicounty special district with a majority
 173 of its governing board comprised of elected persons; however,
 174 this definition shall include a regional water supply authority.

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

177 125.42 Water, sewage, gas, power, telephone, other
 178 utility, and television lines along county roads and highways.--

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

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

186 163.3177 Required and optional elements of comprehensive
 187 plan; studies and surveys.--

188 (6) In addition to the requirements of subsections (1)-(5)
 189 and (12), the comprehensive plan shall include the following
 190 elements:

191 (a) A future land use plan element designating proposed
 192 future general distribution, location, and extent of the uses of
 193 land for residential uses, commercial uses, industry,
 194 agriculture, recreation, conservation, education, public
 195 buildings and grounds, other public facilities, and other
 196 categories of the public and private uses of land. Counties are

197 encouraged to designate rural land stewardship areas, pursuant
198 to ~~the provisions of~~ paragraph (11) (d), as overlays on the
199 future land use map. Each future land use category must be
200 defined in terms of uses included, and must include standards to
201 be followed in the control and distribution of population
202 densities and building and structure intensities. The proposed
203 distribution, location, and extent of the various categories of
204 land use shall be shown on a land use map or map series which
205 shall be supplemented by goals, policies, and measurable
206 objectives. The future land use plan shall be based upon
207 surveys, studies, and data regarding the area, including the
208 amount of land required to accommodate anticipated growth; the
209 projected population of the area; the character of undeveloped
210 land; the availability of water supplies, public facilities, and
211 services; the need for redevelopment, including the renewal of
212 blighted areas and the elimination of nonconforming uses which
213 are inconsistent with the character of the community; the
214 compatibility of uses on lands adjacent to or closely proximate
215 to military installations; lands adjacent to an airport as
216 defined in s. 330.35 and consistent with s. 333.02; the
217 discouragement of urban sprawl; energy-efficient land use
218 patterns accounting for existing and future electric power
219 generation and transmission systems; greenhouse gas reduction
220 strategies; and, in rural communities, the need for job
221 creation, capital investment, and economic development that will
222 strengthen and diversify the community's economy. The future
223 land use plan may designate areas for future planned development
224 use involving combinations of types of uses for which special

225 regulations may be necessary to ensure development in accord
226 with the principles and standards of the comprehensive plan and
227 this act. The future land use plan element shall include
228 criteria to be used to achieve the compatibility of lands
229 adjacent or closely proximate to ~~lands with~~ military
230 installations, and lands adjacent to an airport as defined in s.
231 330.35 and consistent with s. 333.02. In addition, for rural
232 communities, the amount of land designated for future planned
233 industrial use shall be based upon surveys and studies that
234 reflect the need for job creation, capital investment, and the
235 necessity to strengthen and diversify the local economies, and
236 may ~~shall~~ not be limited solely by the projected population of
237 the rural community. The future land use plan of a county may
238 also designate areas for possible future municipal
239 incorporation. The land use maps or map series shall generally
240 identify and depict historic district boundaries and shall
241 designate historically significant properties meriting
242 protection. For coastal counties, the future land use element
243 must include, without limitation, regulatory incentives and
244 criteria that encourage the preservation of recreational and
245 commercial working waterfronts as defined in s. 342.07. The
246 future land use element must clearly identify the land use
247 categories in which public schools are an allowable use. When
248 delineating the land use categories in which public schools are
249 an allowable use, a local government shall include in the
250 categories sufficient land proximate to residential development
251 to meet the projected needs for schools in coordination with
252 public school boards and may establish differing criteria for

253 | schools of different type or size. Each local government shall
254 | include lands contiguous to existing school sites, to the
255 | maximum extent possible, within the land use categories in which
256 | public schools are an allowable use. The failure by a local
257 | government to comply with these school siting requirements will
258 | result in the prohibition of the local government's ability to
259 | amend the local comprehensive plan, except for plan amendments
260 | described in s. 163.3187(1)(b), until the school siting
261 | requirements are met. Amendments proposed by a local government
262 | for purposes of identifying the land use categories in which
263 | public schools are an allowable use are exempt from the
264 | limitation on the frequency of plan amendments contained in s.
265 | 163.3187. The future land use element shall include criteria
266 | that encourage the location of schools proximate to urban
267 | residential areas to the extent possible and shall require that
268 | the local government seek to collocate public facilities, such
269 | as parks, libraries, and community centers, with schools to the
270 | extent possible and to encourage the use of elementary schools
271 | as focal points for neighborhoods. For schools serving
272 | predominantly rural counties, defined as a county with a
273 | population of 100,000 or fewer, an agricultural land use
274 | category is ~~shall be~~ eligible for the location of public school
275 | facilities if the local comprehensive plan contains school
276 | siting criteria and the location is consistent with such
277 | criteria. Local governments required to update or amend their
278 | comprehensive plan to include criteria and address compatibility
279 | of lands adjacent or closely proximate to ~~lands with~~ existing
280 | military installations, or lands adjacent to an airport as

281 defined in s. 330.35 and consistent with s. 333.02, in their
 282 future land use plan element shall transmit the update or
 283 amendment to the state land planning agency ~~department~~ by June
 284 30, 2012 ~~2006~~.

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

302 a. The intergovernmental coordination element shall
 303 provide ~~for~~ procedures to identify and implement joint planning
 304 areas, especially for the purpose of annexation, municipal
 305 incorporation, and joint infrastructure service areas.

306 b. The intergovernmental coordination element shall
 307 provide for recognition of campus master plans prepared pursuant
 308 to s. 1013.30 and airport master plans under paragraph (k).

309 c. The intergovernmental coordination element may provide
310 for a voluntary dispute resolution process as established
311 pursuant to s. 186.509 for bringing to closure in a timely
312 manner intergovernmental disputes. A local government may
313 develop and use an alternative local dispute resolution process
314 for this purpose.

315 d. The intergovernmental coordination element shall
316 provide for interlocal agreements as established pursuant to s.
317 333.03(1)(b).

318 2. The intergovernmental coordination element shall
319 further state principles and guidelines to be used in the
320 accomplishment of coordination of the adopted comprehensive plan
321 with the plans of school boards and other units of local
322 government providing facilities and services but not having
323 regulatory authority over the use of land. In addition, the
324 intergovernmental coordination element shall describe joint
325 processes for collaborative planning and decisionmaking on
326 population projections and public school siting, the location
327 and extension of public facilities subject to concurrency, and
328 siting facilities with countywide significance, including
329 locally unwanted land uses whose nature and identity are
330 established in an agreement. Within 1 year of adopting their
331 intergovernmental coordination elements, each county, all the
332 municipalities within that county, the district school board,
333 and any unit of local government service providers in that
334 county shall establish by interlocal or other formal agreement
335 executed by all affected entities, the joint processes described
336 in this subparagraph consistent with their adopted

337 intergovernmental coordination elements.

338 3. To foster coordination between special districts and
 339 local general-purpose governments as local general-purpose
 340 governments implement local comprehensive plans, each
 341 independent special district must submit a public facilities
 342 report to the appropriate local government as required by s.
 343 189.415.

344 4.a. Local governments shall ~~must~~ execute an interlocal
 345 agreement with the district school board, the county, and
 346 nonexempt municipalities pursuant to s. 163.31777. The local
 347 government shall amend the intergovernmental coordination
 348 element to provide that coordination between the local
 349 government and school board is pursuant to the agreement and
 350 shall state the obligations of the local government under the
 351 agreement.

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

354 5. The state land planning agency shall establish a
 355 schedule for phased completion and transmittal of plan
 356 amendments to implement subparagraphs 1., 2., and 3. from all
 357 jurisdictions so as to accomplish their adoption by December 31,
 358 1999. A local government may complete and transmit its plan
 359 amendments to carry out these provisions prior to the scheduled
 360 date established by the state land planning agency. The plan
 361 amendments are exempt from the provisions of s. 163.3187(1).

362 6. By January 1, 2004, any county having a population
 363 greater than 100,000, and the municipalities and special
 364 districts within that county, shall submit a report to the

365 Department of Community Affairs which:

366 a. Identifies all existing or proposed interlocal service
 367 delivery agreements regarding the following: education; sanitary
 368 sewer; public safety; solid waste; drainage; potable water;
 369 parks and recreation; and transportation facilities.

370 b. Identifies any deficits or duplication in the provision
 371 of services within its jurisdiction, whether capital or
 372 operational. Upon request, the Department of Community Affairs
 373 shall provide technical assistance to the local governments in
 374 identifying deficits or duplication.

375 7. Within 6 months after submission of the report, the
 376 Department of Community Affairs shall, through the appropriate
 377 regional planning council, coordinate a meeting of all local
 378 governments within the regional planning area to discuss the
 379 reports and potential strategies to remedy any identified
 380 deficiencies or duplications.

381 8. Each local government shall update its
 382 intergovernmental coordination element based upon the findings
 383 in the report submitted pursuant to subparagraph 6. The report
 384 may be used as supporting data and analysis for the
 385 intergovernmental coordination element.

386 (j) For each unit of local government within an urbanized
 387 area designated for purposes of s. 339.175, a transportation
 388 element, which must ~~shall~~ be prepared and adopted in lieu of the
 389 requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
 390 and (d) and which shall address the following issues:

391 1. Traffic circulation, including major thoroughfares and
 392 other routes, including bicycle and pedestrian ways.

- 393 2. All alternative modes of travel, such as public
 394 transportation, pedestrian, and bicycle travel.
- 395 3. Parking facilities.
- 396 4. Aviation, rail, seaport facilities, access to those
 397 facilities, and intermodal terminals.
- 398 5. The availability of facilities and services to serve
 399 existing land uses and the compatibility between future land use
 400 and transportation elements.
- 401 6. The capability to evacuate the coastal population prior
 402 to an impending natural disaster.
- 403 7. Airports, projected airport and aviation development,
 404 and land use compatibility around airports, which includes areas
 405 defined in ss. 333.01 and 333.02.
- 406 8. An identification of land use densities, building
 407 intensities, and transportation management programs to promote
 408 public transportation systems in designated public
 409 transportation corridors so as to encourage population densities
 410 sufficient to support such systems.
- 411 9. May include transportation corridors, as defined in s.
 412 334.03, intended for future transportation facilities designated
 413 pursuant to s. 337.273. If transportation corridors are
 414 designated, the local government may adopt a transportation
 415 corridor management ordinance.
- 416 10. The incorporation of transportation strategies to
 417 address reduction in greenhouse gas emissions from the
 418 transportation sector.
- 419 Section 4. Subsection (3) of section 163.3178, Florida
 420 Statutes, is amended to read:

421 163.3178 Coastal management.--

422 (3) Expansions to port harbors, spoil disposal sites,
 423 navigation channels, turning basins, harbor berths, and other
 424 related inwater harbor facilities of ports listed in s.
 425 403.021(9); port transportation facilities and projects listed
 426 in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities
 427 identified pursuant to s. 311.09(3); and facilities determined
 428 by the Department of Community Affairs and applicable general-
 429 purpose local government to be port-related industrial or
 430 commercial projects located within 3 miles of or in a port
 431 master plan area which rely upon the use of port and intermodal
 432 transportation facilities shall not be designated as
 433 developments of regional impact if ~~where~~ such expansions,
 434 projects, or facilities are consistent with comprehensive master
 435 plans that are in compliance with this section.

436 Section 5. Paragraphs (a) and (b) of subsection (12) and
 437 paragraph (i) of subsection (16) of section 163.3180, Florida
 438 Statutes, are created to read:

439 163.3180 Concurrency.--

440 (12) (a) A development of regional impact may satisfy the
 441 transportation concurrency requirements of the local
 442 comprehensive plan, the local government's concurrency
 443 management system, and s. 380.06 by payment of a proportionate-
 444 share contribution for local and regionally significant traffic
 445 impacts, if:

446 1.(a) The development of regional impact which, based on
 447 its location or mix of land uses, is designed to encourage
 448 pedestrian or other nonautomotive modes of transportation;

449 2.~~(b)~~ The proportionate-share contribution for local and
450 regionally significant traffic impacts is sufficient to pay for
451 one or more required mobility improvements that will benefit a
452 regionally significant transportation facility;

453 3.~~(e)~~ The owner and developer of the development of
454 regional impact pays or assures payment of the proportionate-
455 share contribution; and

456 4.~~(d)~~ If the regionally significant transportation
457 facility to be constructed or improved is under the maintenance
458 authority of a governmental entity, as defined by s. 334.03(12),
459 other than the local government with jurisdiction over the
460 development of regional impact, the developer is required to
461 enter into a binding and legally enforceable commitment to
462 transfer funds to the governmental entity having maintenance
463 authority or to otherwise assure construction or improvement of
464 the facility.

465

466 The proportionate-share contribution may be applied to any
467 transportation facility to satisfy the provisions of this
468 subsection and the local comprehensive plan, but, for the
469 purposes of this subsection, the amount of the proportionate-
470 share contribution shall be calculated based upon the cumulative
471 number of trips from the proposed development expected to reach
472 roadways during the peak hour from the complete buildout of a
473 stage or phase being approved, divided by the change in the peak
474 hour maximum service volume of roadways resulting from
475 construction of an improvement necessary to maintain the adopted
476 level of service, multiplied by the construction cost, at the

477 time of developer payment, of the improvement necessary to
478 maintain the adopted level of service. For purposes of this
479 subsection, "construction cost" includes all associated costs of
480 the improvement. Proportionate-share mitigation shall be limited
481 to ensure that a development of regional impact meeting the
482 requirements of this subsection mitigates its impact on the
483 transportation system but is not responsible for the additional
484 cost of reducing or eliminating backlogs. This subsection also
485 applies to Florida Quality Developments pursuant to s. 380.061
486 and to detailed specific area plans implementing optional sector
487 plans pursuant to s. 163.3245.

488 (b) As used in this subsection, the term "backlog" means a
489 facility or facilities on which the adopted level-of-service
490 standard is exceeded by the existing trips, plus additional
491 projected background trips from any source other than the
492 development project under review that are forecast by
493 established traffic standards, including traffic modeling,
494 consistent with the University of Florida Bureau of Economic and
495 Business Research medium population projections. Additional
496 projected background trips are to be coincident with the
497 particular stage or phase of development under review.

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

504 (i) As used in this subsection, the term "backlog" means a

505 facility or facilities on which the adopted level-of-service
506 standard is exceeded by the existing trips, plus additional
507 projected background trips from any source other than the
508 development project under review that are forecast by
509 established traffic standards, including traffic modeling,
510 consistent with the University of Florida Bureau of Economic and
511 Business Research medium population projections. Additional
512 projected background trips are to be coincident with the
513 particular stage or phase of development under review.

514 Section 6. Paragraph (c) is added to subsection (2) of
515 section 163.3182, Florida Statutes, and paragraph (d) of
516 subsection (3) and subsections (4), (5), and (8) of that section
517 are amended, to read:

518 163.3182 Transportation concurrency backlogs.--

519 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
520 AUTHORITIES.--

521 (c) The Legislature finds and declares that there exists
522 in many counties and municipalities areas that have significant
523 transportation deficiencies and inadequate transportation
524 facilities; that many insufficiencies and inadequacies severely
525 limit or prohibit the satisfaction of transportation concurrency
526 standards; that the transportation insufficiencies and
527 inadequacies affect the health, safety, and welfare of the
528 residents of these counties and municipalities; that the
529 transportation insufficiencies and inadequacies adversely affect
530 economic development and growth of the tax base for the areas in
531 which these insufficiencies and inadequacies exist; and that the
532 elimination of transportation deficiencies and inadequacies and

533 | the satisfaction of transportation concurrency standards are
 534 | paramount public purposes for the state and its counties and
 535 | municipalities.

536 | (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 537 | AUTHORITY.--Each transportation concurrency backlog authority
 538 | has the powers necessary or convenient to carry out the purposes
 539 | of this section, including the following powers in addition to
 540 | others granted in this section:

541 | (d) To borrow money, including, but not limited to,
 542 | issuing debt obligations such as, but not limited to, bonds,
 543 | notes, certificates, and similar debt instruments; to apply for
 544 | and accept advances, loans, grants, contributions, and any other
 545 | forms of financial assistance from the Federal Government or the
 546 | state, county, or any other public body or from any sources,
 547 | public or private, for the purposes of this part; to give such
 548 | security as may be required; to enter into and carry out
 549 | contracts or agreements; and to include in any contracts for
 550 | financial assistance with the Federal Government for or with
 551 | respect to a transportation concurrency backlog project and
 552 | related activities such conditions imposed under ~~pursuant to~~
 553 | federal laws as the transportation concurrency backlog authority
 554 | considers reasonable and appropriate and which are not
 555 | inconsistent with the purposes of this section.

556 | (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

557 | (a) Each transportation concurrency backlog authority
 558 | shall adopt a transportation concurrency backlog plan as a part
 559 | of the local government comprehensive plan within 6 months after
 560 | the creation of the authority. The plan must ~~shall~~:

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

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

568 3. Establish a schedule for financing and construction of
 569 transportation concurrency backlog projects that will eliminate
 570 transportation concurrency backlogs within the jurisdiction of
 571 the authority within 10 years after the transportation
 572 concurrency backlog plan adoption. The schedule shall be adopted
 573 as part of the local government comprehensive plan.

574 (b) The adoption of the transportation concurrency backlog
 575 plan shall be exempt from the provisions of s. 163.3187(1).
 576

577 Notwithstanding such schedule requirements, as long as the
 578 schedule provides for the elimination of all transportation
 579 concurrency backlogs within 10 years after the adoption of the
 580 concurrency backlog plan, the final maturity date of any debt
 581 incurred to finance or refinance the related projects may be no
 582 later than 40 years after the date the debt is incurred and the
 583 authority may continue operations and administer the trust fund
 584 established as provided in subsection (5) for as long as the
 585 debt remains outstanding.

586 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
 587 concurrency backlog authority shall establish a local
 588 transportation concurrency backlog trust fund upon creation of

589 the authority. Each local trust fund shall be administered by
590 the transportation concurrency backlog authority within which a
591 transportation concurrency backlog has been identified. Each
592 local trust fund must continue to be funded under this section
593 for as long as the projects set forth in the related
594 transportation concurrency backlog plan remain to be completed
595 or until any debt incurred to finance or refinance the related
596 projects are no longer outstanding, whichever occurs later.
597 Beginning in the first fiscal year after the creation of the
598 authority, each local trust fund shall be funded by the proceeds
599 of an ad valorem tax increment collected within each
600 transportation concurrency backlog area to be determined
601 annually and shall be a minimum of 25 percent of the difference
602 between the amounts set forth in paragraphs (a) and (b), except
603 that if all of the affected taxing authorities agree under an
604 interlocal agreement, a particular local trust fund may be
605 funded by the proceeds of an ad valorem tax increment greater
606 than 25 percent of the difference between the amounts set forth
607 in paragraphs (a) and (b):

608 (a) The amount of ad valorem tax levied each year by each
609 taxing authority, exclusive of any amount from any debt service
610 millage, on taxable real property contained within the
611 jurisdiction of the transportation concurrency backlog authority
612 and within the transportation backlog area; and

613 (b) The amount of ad valorem taxes which would have been
614 produced by the rate upon which the tax is levied each year by
615 or for each taxing authority, exclusive of any debt service
616 millage, upon the total of the assessed value of the taxable

617 | real property within the transportation concurrency backlog area
 618 | as shown on the most recent assessment roll used in connection
 619 | with the taxation of such property of each taxing authority
 620 | prior to the effective date of the ordinance funding the trust
 621 | fund.

622 | (8) DISSOLUTION.--Upon completion of all transportation
 623 | concurrency backlog projects and repayment or defeasance of all
 624 | debt issued to finance or refinance such projects, a
 625 | transportation concurrency backlog authority shall be dissolved,
 626 | and its assets and liabilities ~~shall be~~ transferred to the
 627 | county or municipality within which the authority is located.
 628 | All remaining assets of the authority must be used for
 629 | implementation of transportation projects within the
 630 | jurisdiction of the authority. The local government
 631 | comprehensive plan shall be amended to remove the transportation
 632 | concurrency backlog plan.

633 | Section 7. Subsection (7) of section 337.11, Florida
 634 | Statutes, is amended, present subsections (8) through (15) of
 635 | that section are renumbered as subsections (9) through (16),
 636 | respectively, and a new subsection (8) is added to that section,
 637 | to read:

638 | 337.11 Contracting authority of department; bids;
 639 | emergency repairs, supplemental agreements, and change orders;
 640 | combined design and construction contracts; progress payments;
 641 | records; requirements of vehicle registration.--

642 | (7) (a) If ~~the head of~~ the department determines that it is
 643 | in the best interests of the public, the department may combine
 644 | the design and construction phases of a building, a major

645 bridge, a limited access facility, or a rail corridor project
646 into a single contract. Such contract is referred to as a
647 design-build contract. Design-build contracts may be advertised
648 and awarded notwithstanding the requirements of paragraph
649 (3)(c). However, construction activities may not begin on any
650 portion of such projects for which the department has not yet
651 obtained title to the necessary rights-of-way and easements for
652 the construction of that portion of the project has vested in
653 the state or a local governmental entity and all railroad
654 crossing and utility agreements have been executed. Title to
655 rights-of-way shall be deemed to have vested in the state when
656 the title has been dedicated to the public or acquired by
657 prescription.

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

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

670 (c) The department must receive at least three letters of
671 interest in order to proceed with a request for proposals. The
672 department shall request proposals from no fewer than three of

673 the design-build firms submitting letters of interest. If a
 674 design-build firm withdraws from consideration after the
 675 department requests proposals, the department may continue if at
 676 least two proposals are received.

677 (8) If the department determines that it is in the best
 678 interest of the public, the department may pay a stipend to
 679 nonselcted design-build firms that have submitted responsive
 680 proposals for construction contracts. The decision and amount of
 681 a stipend shall be based upon department analysis of the
 682 estimated proposal development costs and the anticipated degree
 683 of engineering design during the procurement process. The
 684 department retains the right to use those designs from
 685 responsive nonselcted design-build firms that accept a stipend.

686 Section 8. Paragraph (b) of subsection (1) of section
 687 337.18, Florida Statutes, is amended to read:

688 337.18 Surety bonds for construction or maintenance
 689 contracts; requirement with respect to contract award; bond
 690 requirements; defaults; damage assessments.--

691 (1)

692 (b) Before beginning any work under the contract, the
 693 contractor shall maintain a copy of the payment and performance
 694 bond required under this section at its principal place of
 695 business and at the jobsite office, if one is established, and
 696 the contractor shall provide a copy of the payment and
 697 performance bond within 5 days after receiving a written request
 698 for the bond. A copy of the payment and performance bond
 699 required under this section may also be obtained directly from
 700 the department by making a request pursuant to chapter 119. ~~Upon~~

701 ~~execution of the contract, and prior to beginning any work under~~
 702 ~~the contract, the contractor shall record in the public records~~
 703 ~~of the county where the improvement is located the payment and~~
 704 ~~performance bond required under this section.~~ A claimant has
 705 ~~shall have~~ a right of action against the contractor and surety
 706 for the amount due him or her, including unpaid finance charges
 707 due under the claimant's contract. The ~~Such~~ action may ~~shall~~ not
 708 involve the department in any expense.

709 Section 9. Subsections (1), (2), and (7) of section
 710 337.185, Florida Statutes, are amended to read:

711 337.185 State Arbitration Board.--

712 (1) To facilitate the prompt settlement of claims for
 713 additional compensation arising out of construction and
 714 maintenance contracts between the department and the various
 715 contractors with whom it transacts business, the Legislature
 716 does hereby establish the State Arbitration Board, referred to
 717 in this section as the "board." For the purpose of this section,
 718 the term "claim" means ~~shall mean~~ the aggregate of all
 719 outstanding claims by a party arising out of a construction or
 720 maintenance contract. Every contractual claim in an amount up to
 721 \$250,000 per contract or, at the claimant's option, up to
 722 \$500,000 per contract or, upon agreement of the parties, up to
 723 \$1 million per contract that cannot be resolved by negotiation
 724 between the department and the contractor shall be arbitrated by
 725 the board after acceptance of the project by the department. As
 726 an exception, either party to the dispute may request that the
 727 claim be submitted to binding private arbitration. A court of
 728 law may not consider the settlement of such a claim until the

729 process established by this section has been exhausted.

730 (2) The board shall be composed of three members. One
 731 member shall be appointed by the head of the department, and one
 732 member shall be elected by those construction or maintenance
 733 companies who are under contract with the department. The third
 734 member shall be chosen by agreement of the other two members.
 735 Whenever the third member has a conflict of interest regarding
 736 affiliation with one of the parties, the other two members shall
 737 select an alternate member for that hearing. The head of the
 738 department may select an alternative or substitute to serve as
 739 the department member for any hearing or term. Each member shall
 740 serve a 2-year term. The board shall elect a chair, each term,
 741 who shall be the administrator of the board and custodian of its
 742 records.

743 (7) The members of the board may receive compensation for
 744 the performance of their duties hereunder, from administrative
 745 fees received by the board, except that no employee of the
 746 department may receive compensation from the board. The
 747 compensation amount shall be determined by the board, but may
 748 ~~shall~~ not exceed \$125 per hour, up to a maximum of \$1,000 per
 749 day for each member authorized to receive compensation. ~~Nothing~~
 750 ~~in~~ This section does not ~~shall~~ prevent the member elected by
 751 construction or maintenance companies from being an employee of
 752 an association affiliated with the industry, even if the sole
 753 responsibility of that member is service on the board. Travel
 754 expenses for the industry member may be paid by an industry
 755 association, if necessary. The board may allocate funds annually
 756 for clerical and other administrative services.

757 Section 10. Subsection (1) of section 337.403, Florida
758 Statutes, is amended to read:

759 337.403 Relocation of utility; expenses.--

760 (1) Any utility heretofore or hereafter placed upon,
761 under, over, or along any public road or publicly owned rail
762 corridor that is found by the authority to be unreasonably
763 interfering in any way with the convenient, safe, or continuous
764 use, or the maintenance, improvement, extension, or expansion,
765 of such public road or publicly owned rail corridor shall, upon
766 30 days' written notice to the utility or its agent by the
767 authority, be removed or relocated by such utility at its own
768 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~
769 ~~(c)~~.

770 (a) If the relocation of utility facilities, as referred
771 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
772 627 of the 84th Congress, is necessitated by the construction of
773 a project on the federal-aid interstate system, including
774 extensions thereof within urban areas, and the cost of the ~~such~~
775 project is eligible and approved for reimbursement by the
776 Federal Government to the extent of 90 percent or more under the
777 Federal Aid Highway Act, or any amendment thereof, then in that
778 event the utility owning or operating such facilities shall
779 relocate the ~~such~~ facilities upon order of the department, and
780 the state shall pay the entire expense properly attributable to
781 such relocation after deducting therefrom any increase in the
782 value of the new facility and any salvage value derived from the
783 old facility.

784 (b) When a joint agreement between the department and the

785 utility is executed for utility improvement, relocation, or
786 removal work to be accomplished as part of a contract for
787 construction of a transportation facility, the department may
788 participate in those utility improvement, relocation, or removal
789 costs that exceed the department's official estimate of the cost
790 of the ~~such~~ work by more than 10 percent. The amount of such
791 participation shall be limited to the difference between the
792 official estimate of all the work in the joint agreement plus 10
793 percent and the amount awarded for this work in the construction
794 contract for such work. The department may not participate in
795 any utility improvement, relocation, or removal costs that occur
796 as a result of changes or additions during the course of the
797 contract.

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

803 (d) If the utility facility being removed or relocated was
804 initially installed to exclusively serve the department, its
805 tenants, or both, the department shall bear the costs of
806 removing or relocating that utility facility. However, the
807 department is not responsible for bearing the cost of removing
808 or relocating any subsequent additions to that facility for the
809 purpose of serving others.

810 (e) If, under an agreement between a utility and the
811 authority entered into after July 1, 2009, the utility conveys,
812 subordinates, or relinquishes a compensable property right to

813 the authority for the purpose of accommodating the acquisition
 814 or use of the right-of-way by the authority, without the
 815 agreement expressly addressing future responsibility for the
 816 cost of removing or relocating the utility, the authority shall
 817 bear the cost of removal or relocation. This paragraph does not
 818 impair or restrict, and may not be used to interpret, the terms
 819 of any such agreement entered into before July 1, 2009.

820 (f) If the utility is an electric facility being relocated
 821 underground in order to enhance vehicular, bicycle, and
 822 pedestrian safety and in which ownership of the electric
 823 facility to be placed underground has been transferred from a
 824 private to a public utility within the past 5 years, the
 825 department shall incur all costs of the relocation.

826 Section 11. Subsections (4) and (5) of section 337.408,
 827 Florida Statutes, are amended, present subsection (7) of that
 828 section is renumbered as subsection (8), and a new subsection
 829 (7) is added to that section, to read:

830 337.408 Regulation of benches, transit shelters, street
 831 light poles, waste disposal receptacles, and modular news racks
 832 within rights-of-way.--

833 (4) The department has the authority to direct the
 834 immediate relocation or removal of any bench, transit shelter,
 835 waste disposal receptacle, public pay telephone, or modular news
 836 rack that ~~which~~ endangers life or property, except that transit
 837 bus benches that were ~~which have been~~ placed in service before
 838 ~~prior to~~ April 1, 1992, are not required to comply with bench
 839 size and advertising display size requirements ~~which have been~~
 840 established by the department before ~~prior to~~ March 1, 1992. Any

841 transit bus bench that was in service before ~~prior to~~ April 1,
 842 1992, may be replaced with a bus bench of the same size or
 843 smaller, if the bench is damaged or destroyed or otherwise
 844 becomes unusable. The department may ~~is authorized to~~ adopt
 845 rules relating to the regulation of bench size and advertising
 846 display size requirements. If a municipality or county within
 847 which a bench is to be located has adopted an ordinance or other
 848 applicable regulation that establishes bench size or advertising
 849 display sign requirements different from requirements specified
 850 in department rule, the local government requirement applies
 851 ~~shall be applicable~~ within the respective municipality or
 852 county. Placement of any bench or advertising display on the
 853 National Highway System under a local ordinance or regulation
 854 adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to
 855 approval of the Federal Highway Administration.

856 (5) A ~~No~~ bench, transit shelter, waste disposal
 857 receptacle, public pay telephone, or modular news rack, or
 858 advertising thereon, may not ~~shall~~ be erected or ~~so~~ placed on
 859 the right-of-way of any road in a manner that ~~which~~ conflicts
 860 with the requirements of federal law, regulations, or safety
 861 standards, thereby causing the state or any political
 862 subdivision the loss of federal funds. Competition among persons
 863 seeking to provide bench, transit shelter, waste disposal
 864 receptacle, public pay telephone, or modular news rack services
 865 or advertising on such benches, shelters, receptacles, public
 866 pay telephone, or news racks may be regulated, restricted, or
 867 denied by the appropriate local government entity consistent
 868 with ~~the provisions of~~ this section.

869 (7) A public pay telephone, including advertising
870 displayed thereon, may be installed within the right-of-way
871 limits of any municipal, county, or state road, except on a
872 limited access highway, if the pay telephone is installed by a
873 provider duly authorized and regulated by the Public Service
874 Commission under s. 364.3375, if the pay telephone is operated
875 in accordance with all applicable state and federal
876 telecommunications regulations, and if written authorization has
877 been given to a public pay telephone provider by the appropriate
878 municipal or county government. Each advertisement must be
879 limited to a size no greater than 8 square feet and a public pay
880 telephone booth may not display more than three advertisements
881 at any given time. An advertisement is not allowed on public pay
882 telephones located in rest areas, welcome centers, or other such
883 facilities located on an interstate highway.

884 Section 12. Subsection (6) is added to section 338.01,
885 Florida Statutes, to read:

886 338.01 Authority to establish and regulate limited access
887 facilities.--

888 (6) All new limited access facilities and existing
889 transportation facilities on which new or replacement electronic
890 toll collection systems are installed shall be interoperable
891 with the department's electronic toll-collection system.

892 Section 13. Present subsections (7) and (8) of section
893 338.165, Florida Statutes, are renumbered as subsections (8) and
894 (9), respectively, and a new subsection (7) is added to that
895 section, to read:

896 338.165 Continuation of tolls.--

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

899 Section 14. Section 338.166, Florida Statutes, is created
 900 to read:

901 338.166 High-occupancy toll lanes or express lanes.--

902 (1) Under s. 11, Art. VII of the State Constitution, the
 903 department may request the Division of Bond Finance to issue
 904 bonds secured by toll revenues collected on high-occupancy toll
 905 lanes or express lanes located on Interstate 95 in Miami-Dade
 906 and Broward Counties.

907 (2) The department may continue to collect the toll on the
 908 high-occupancy toll lanes or express lanes after the discharge
 909 of any bond indebtedness related to such project. All tolls so
 910 collected shall first be used to pay the annual cost of the
 911 operation, maintenance, and improvement of the high-occupancy
 912 toll lanes or express lanes project or associated transportation
 913 system.

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

918 (4) The department may implement variable-rate tolls on
 919 high-occupancy toll lanes or express lanes.

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

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

925 Section 15. Paragraph (d) is added to subsection (1) of
 926 section 338.2216, Florida Statutes, to read:

927 338.2216 Florida Turnpike Enterprise; powers and
 928 authority.--

929 (1)

930 (d) The Florida Turnpike Enterprise shall pursue and
 931 implement new technologies and processes in its operations and
 932 collection of tolls and the collection of other amounts
 933 associated with road and infrastructure usage. Such technologies
 934 and processes must include, without limitation, video billing
 935 and variable pricing.

936 Section 16. Section 338.231, Florida Statutes, is amended
 937 to read:

938 338.231 Turnpike tolls, fixing; pledge of tolls and other
 939 revenues.--The department shall at all times fix, adjust,
 940 charge, and collect such tolls and amounts for the use of the
 941 turnpike system as are required in order to provide a fund
 942 sufficient with other revenues of the turnpike system to pay the
 943 cost of maintaining, improving, repairing, and operating such
 944 turnpike system; to pay the principal of and interest on all
 945 bonds issued to finance or refinance any portion of the turnpike
 946 system as the same become due and payable; and to create
 947 reserves for all such purposes.

948 ~~(1) In the process of effectuating toll rate increases~~
 949 ~~over the period 1988 through 1992, the department shall, to the~~
 950 ~~maximum extent feasible, equalize the toll structure, within~~
 951 ~~each vehicle classification, so that the per mile toll rate will~~
 952 ~~be approximately the same throughout the turnpike system. New~~

953 ~~turnpike projects may have toll rates higher than the uniform~~
954 ~~system rate where such higher toll rates are necessary to~~
955 ~~qualify the project in accordance with the financial criteria in~~
956 ~~the turnpike law. Such higher rates may be reduced to the~~
957 ~~uniform system rate when the project is generating sufficient~~
958 ~~revenues to pay the full amount of debt service and operating~~
959 ~~and maintenance costs at the uniform system rate. If, after 15~~
960 ~~years of opening to traffic, the annual revenue of a turnpike~~
961 ~~project does not meet or exceed the annual debt service~~
962 ~~requirements and operating and maintenance costs attributable to~~
963 ~~such project, the department shall, to the maximum extent~~
964 ~~feasible, establish a toll rate for the project which is higher~~
965 ~~than the uniform system rate as necessary to meet such annual~~
966 ~~debt service requirements and operating and maintenance costs.~~
967 ~~The department may, to the extent feasible, establish a~~
968 ~~temporary toll rate at less than the uniform system rate for the~~
969 ~~purpose of building patronage for the ultimate benefit of the~~
970 ~~turnpike system. In no case shall the temporary rate be~~
971 ~~established for more than 1 year. The requirements of this~~
972 ~~subsection shall not apply when the application of such~~
973 ~~requirements would violate any covenant established in a~~
974 ~~resolution or trust indenture relating to the issuance of~~
975 ~~turnpike bonds.~~

976 (1) ~~(2)~~ Notwithstanding any other ~~provision of~~ law, the
977 department may defer the scheduled July 1, 1993, toll rate
978 increase on the Homestead Extension of the Florida Turnpike
979 until July 1, 1995. The department may also advance funds to the
980 Turnpike General Reserve Trust Fund to replace estimated lost

981 revenues resulting from this deferral. The amount advanced must
982 be repaid within 12 years from the date of advance; however, the
983 repayment is subordinate to all other debt financing of the
984 turnpike system outstanding at the time repayment is due.

985 (2)~~(3)~~ The department shall publish a proposed change in
986 the toll rate for the use of an existing toll facility, in the
987 manner provided for in s. 120.54, which will provide for public
988 notice and the opportunity for a public hearing before the
989 adoption of the proposed rate change. When the department is
990 evaluating a proposed turnpike toll project under s. 338.223 and
991 has determined that there is a high probability that the project
992 will pass the test of economic feasibility predicated on
993 proposed toll rates, the toll rate that is proposed to be
994 charged after the project is constructed must be adopted during
995 the planning and project development phase of the project, in
996 the manner provided for in s. 120.54, including public notice
997 and the opportunity for a public hearing. For such a new
998 project, the toll rate becomes effective upon the opening of the
999 project to traffic.

1000 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
1001 2017, the department shall, to the maximum extent feasible,
1002 program sufficient funds in the tentative work program such that
1003 the percentage of turnpike toll and bond financed commitments in
1004 Miami-Dade County, Broward County, and Palm Beach County as
1005 compared to total turnpike toll and bond financed commitments
1006 shall be at least 90 percent of the share of net toll
1007 collections attributable to users of the turnpike system in
1008 Miami-Dade County, Broward County, and Palm Beach County as

1009 compared to total net toll collections attributable to users of
 1010 the turnpike system. ~~The requirements of~~ This subsection does de
 1011 not apply when the application of such requirements would
 1012 violate any covenant established in a resolution or trust
 1013 indenture relating to the issuance of turnpike bonds. The
 1014 department may at any time for economic considerations establish
 1015 lower temporary toll rates for a new or existing toll facility
 1016 for a period not to exceed 1 year, after which the toll rates
 1017 adopted pursuant to s. 120.54 shall become effective.

1018 (b) The department shall also fix, adjust, charge, and
 1019 collect such amounts needed to cover the costs of administering
 1020 the different toll-collection and payment methods, and types of
 1021 accounts being offered and used, in the manner provided for in
 1022 s. 120.54 which will provide for public notice and the
 1023 opportunity for a public hearing before adoption. Such amounts
 1024 may stand alone, be incorporated in a toll rate structure, or be
 1025 a combination of the two.

1026 (4)-(5) When bonds are outstanding which have been issued
 1027 to finance or refinance any turnpike project, the tolls and all
 1028 other revenues derived from the turnpike system and pledged to
 1029 such bonds shall be set aside as may be provided in the
 1030 resolution authorizing the issuance of such bonds or the trust
 1031 agreement securing the same. The tolls or other revenues or
 1032 other moneys so pledged and thereafter received by the
 1033 department are immediately subject to the lien of such pledge
 1034 without any physical delivery thereof or further act. The lien
 1035 of any such pledge is valid and binding as against all parties
 1036 having claims of any kind in tort or contract or otherwise

1037 against the department irrespective of whether such parties have
 1038 notice thereof. Neither the resolution nor any trust agreement
 1039 by which a pledge is created need be filed or recorded except in
 1040 the records of the department.

1041 (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1042 Broward County Expressway Authority series 1984 and series 1986-
 1043 A remain outstanding, the department is authorized to pledge
 1044 revenues from the turnpike system to the payment of principal
 1045 and interest of such series of bonds and the operation and
 1046 maintenance expenses of the Sawgrass Expressway, to the extent
 1047 gross toll revenues of the Sawgrass Expressway are insufficient
 1048 to make such payments. The terms of an agreement relative to the
 1049 pledge of turnpike system revenue will be negotiated with the
 1050 parties of the 1984 and 1986 Broward County Expressway Authority
 1051 lease-purchase agreements, and subject to the covenants of those
 1052 agreements. The agreement must ~~shall~~ establish that the Sawgrass
 1053 Expressway is ~~shall be~~ subject to the planning, management, and
 1054 operating control of the department limited only by the terms of
 1055 the lease-purchase agreements. The department shall provide for
 1056 the payment of operation and maintenance expenses of the
 1057 Sawgrass Expressway until such agreement is in effect. This
 1058 pledge of turnpike system revenues is ~~shall be~~ subordinate to
 1059 the debt service requirements of any future issue of turnpike
 1060 bonds, the payment of turnpike system operation and maintenance
 1061 expenses, and subject to ~~provisions of~~ any subsequent resolution
 1062 or trust indenture relating to the issuance of such turnpike
 1063 bonds.

1064 (6)~~(7)~~ The use and disposition of revenues pledged to

1065 | bonds are subject to ~~the provisions of~~ ss. 338.22-338.241 and
 1066 | such regulations as the resolution authorizing the issuance of
 1067 | the such bonds or such trust agreement may provide.

1068 | Section 17. Subsection (4) of section 339.12, Florida
 1069 | Statutes, is amended to read:

1070 | 339.12 Aid and contributions by governmental entities for
 1071 | department projects; federal aid.--

1072 | (4) (a) Prior to accepting the contribution of road bond
 1073 | proceeds, time warrants, or cash for which reimbursement is
 1074 | sought, the department shall enter into agreements with the
 1075 | governing body of the governmental entity for the project or
 1076 | project phases in accordance with specifications agreed upon
 1077 | between the department and the governing body of the
 1078 | governmental entity. The department in no instance is to receive
 1079 | from such governmental entity an amount in excess of the actual
 1080 | cost of the project or project phase. By specific provision in
 1081 | the written agreement between the department and the governing
 1082 | body of the governmental entity, the department may agree to
 1083 | reimburse the governmental entity for the actual amount of the
 1084 | bond proceeds, time warrants, or cash used on a highway project
 1085 | or project phases that are not revenue producing and are
 1086 | contained in the department's adopted work program, or any
 1087 | public transportation project contained in the adopted work
 1088 | program. Subject to appropriation of funds by the Legislature,
 1089 | the department may commit state funds for reimbursement of such
 1090 | projects or project phases. Reimbursement to the governmental
 1091 | entity for such a project or project phase must be made from
 1092 | funds appropriated by the Legislature, and reimbursement for the

1093 cost of the project or project phase is to begin in the year the
1094 project or project phase is scheduled in the work program as of
1095 the date of the agreement. Funds advanced pursuant to this
1096 section, which were originally designated for transportation
1097 purposes and so reimbursed to a county or municipality, shall be
1098 used by the county or municipality for any transportation
1099 expenditure authorized under s. 336.025(7). Also, cities and
1100 counties may receive funds from persons, and reimburse those
1101 persons, for the purposes of this section. Such persons may
1102 include, but are not limited to, those persons defined in s.
1103 607.01401(19).

1104 (b) Prior to entering an agreement to advance a project or
1105 project phase pursuant to this subsection and subsection (5),
1106 the department shall first update the estimated cost of the
1107 project or project phase and certify that the estimate is
1108 accurate and consistent with the amount estimated in the adopted
1109 work program. If the original estimate and the updated estimate
1110 vary, the department shall amend the adopted work program
1111 according to the amendatory procedures for the work program set
1112 forth in s. 339.135(7). The amendment shall reflect all
1113 corresponding increases and decreases to the affected projects
1114 within the adopted work program.

1115 (c) The department may enter into agreements under this
1116 subsection for a project or project phase not included in the
1117 adopted work program. As used in this paragraph, the term
1118 "project phase" means acquisition of rights-of-way,
1119 construction, construction inspection, and related support
1120 phases. The project or project phase must be a high priority of

1121 the governmental entity. Reimbursement for a project or project
 1122 phase must be made from funds appropriated by the Legislature
 1123 pursuant to s. 339.135(5). All other provisions of this
 1124 subsection apply to agreements entered into under this
 1125 paragraph. The total amount of project agreements for projects
 1126 or project phases not included in the adopted work program
 1127 authorized by this paragraph may not at any time exceed \$250
 1128 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
 1129 limit and any similar limit in s. 334.30, project advances for
 1130 any inland county with a population greater than 500,000
 1131 dedicating amounts equal to \$500 million or more of its Local
 1132 Government Infrastructure Surtax pursuant to s. 212.055(2) for
 1133 improvements to the State Highway System which are included in
 1134 the local metropolitan planning organization's or the
 1135 department's long-range transportation plans shall be excluded
 1136 from the calculation of the statewide limit of project advances.

1137 (d) The department may enter into agreements under this
 1138 subsection with any county that has a population of 150,000 or
 1139 fewer as determined by the most recent official estimate under
 1140 s. 186.901 for a project or project phase not included in the
 1141 adopted work program. As used in this paragraph, the term
 1142 "project phase" means acquisition of rights-of-way,
 1143 construction, construction inspection, and related support
 1144 phases. The project or project phase must be a high priority of
 1145 the governmental entity. Reimbursement for a project or project
 1146 phase must be made from funds appropriated by the Legislature
 1147 under s. 339.135(5). All other provisions of this subsection
 1148 apply to agreements entered into under this paragraph. The total

1149 amount of project agreements for projects or project phases not
 1150 included in the adopted work program authorized by this
 1151 paragraph may not at any time exceed \$200 million. The project
 1152 must be included in the local government's adopted comprehensive
 1153 plan. The department may enter into long-term repayment
 1154 agreements of up to 30 years.

1155 Section 18. Paragraph (d) of subsection (7) of section
 1156 339.135, Florida Statutes, is amended to read:

1157 339.135 Work program; legislative budget request;
 1158 definitions; preparation, adoption, execution, and amendment.--

1159 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1160 (d)1. Whenever the department proposes any amendment to
 1161 the adopted work program, as defined in subparagraph (c)1. or
 1162 subparagraph (c)3., which deletes or defers a construction phase
 1163 on a capacity project, it shall notify each county affected by
 1164 the amendment and each municipality within the county. The
 1165 notification shall be issued in writing to the chief elected
 1166 official of each affected county, each municipality within the
 1167 county, and the chair of each affected metropolitan planning
 1168 organization. Each affected county and each municipality in the
 1169 county is encouraged to coordinate with each other in order to
 1170 determine how the amendment affects local concurrency management
 1171 and regional transportation planning efforts. Each affected
 1172 county, and each municipality within the county, shall have 14
 1173 days to provide written comments to the department regarding how
 1174 the amendment will affect its respective concurrency management
 1175 systems, including whether any development permits were issued
 1176 contingent upon the capacity improvement, if applicable. After

1177 receipt of written comments from the affected local governments,
 1178 the department shall include any written comments submitted by
 1179 such local governments in its preparation of the proposed
 1180 amendment.

1181 2. Following the 14-day comment period in subparagraph 1.,
 1182 if applicable, whenever the department proposes any amendment to
 1183 the adopted work program, which amendment is defined in
 1184 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 1185 subparagraph (c)4., it shall submit the proposed amendment to
 1186 the Governor for approval and shall immediately notify the
 1187 chairs of the legislative appropriations committees, the chairs
 1188 of the legislative transportation committees, and each member of
 1189 the Legislature who represents a district affected by the
 1190 proposed amendment. It shall also notify each metropolitan
 1191 planning organization affected by the proposed amendment, and
 1192 each unit of local government affected by the proposed
 1193 amendment, unless it provided to each the notification required
 1194 by subparagraph 1. Such proposed amendment shall provide a
 1195 complete justification of the need for the proposed amendment.

1196 ~~3.2.~~ The Governor may ~~shall~~ not approve a proposed
 1197 amendment until 14 days following the notification required in
 1198 subparagraph 2. ~~1.~~

1199 ~~4.3.~~ If either of the chairs of the legislative
 1200 appropriations committees or the President of the Senate or the
 1201 Speaker of the House of Representatives objects in writing to a
 1202 proposed amendment within 14 days following notification and
 1203 specifies the reasons for such objection, the Governor shall
 1204 disapprove the proposed amendment.

1205 Section 19. Subsection (3) and paragraphs (b) and (c) of
 1206 subsection (4) of section 339.2816, Florida Statutes, are
 1207 amended to read:

1208 339.2816 Small County Road Assistance Program.--

1209 (3) Beginning with fiscal year 1999-2000 until fiscal year
 1210 2009-2010, and beginning again with fiscal year 2012-2013, up to
 1211 \$25 million annually from the State Transportation Trust Fund
 1212 may be used for the purposes of funding the Small County Road
 1213 Assistance Program as described in this section.

1214 (4)

1215 (b) In determining a county's eligibility for assistance
 1216 under this program, the department may consider whether the
 1217 county has attempted to keep county roads in satisfactory
 1218 condition, including the amount of local option fuel tax ~~and ad~~
 1219 ~~valorem millage rate~~ imposed by the county. The department may
 1220 also consider the extent to which the county has offered to
 1221 provide a match of local funds with state funds provided under
 1222 the program. At a minimum, small counties shall be eligible only
 1223 if-

1224 ~~1. the county has enacted the maximum rate of the local~~
 1225 ~~option fuel tax authorized by s. 336.025(1) (a), and has imposed~~
 1226 ~~an ad valorem millage rate of at least 8 mills; or~~

1227 ~~2. The county has imposed an ad valorem millage rate of 10~~
 1228 ~~mills.~~

1229 (c) The following criteria must ~~shall~~ be used to
 1230 prioritize road projects for funding under the program:

1231 1. The primary criterion is the physical condition of the
 1232 road as measured by the department.

- 1233 2. As secondary criteria the department may consider:
- 1234 a. Whether a road is used as an evacuation route.
- 1235 b. Whether a road has high levels of agricultural travel.
- 1236 c. Whether a road is considered a major arterial route.
- 1237 d. Whether a road is considered a feeder road.
- 1238 e. Whether a road is located in a fiscally constrained
- 1239 county, as defined in s. 218.67(1).

1240 ~~f.e.~~ Other criteria related to the impact of a project on

1241 the public road system or on the state or local economy as

1242 determined by the department.

1243 Section 20. Paragraph (c) of subsection (4) of section

1244 348.0003, Florida Statutes, is amended to read:

1245 348.0003 Expressway authority; formation; membership.--

1246 (4)

1247 (c) Members of each expressway an authority,

1248 transportation authority, bridge authority, or toll authority,

1249 created pursuant to this chapter, chapter 343, or chapter 349 or

1250 any other legislative enactment shall be required to comply with

1251 the applicable financial disclosure requirements of s. 8, Art.

1252 II of the State Constitution. This paragraph does not subject

1253 any statutorily created authority, other than an expressway

1254 authority created under this part, to any other requirement of

1255 this part except the requirement of this paragraph.

1256 Section 21. Subsection (1) of section 479.01, Florida

1257 Statutes, is amended to read:

1258 479.01 Definitions.--As used in this chapter, the term:

1259 (1) "Automatic changeable facing" means a facing that

1260 ~~which through a mechanical system~~ is capable of delivering two

1261 or more advertising messages through an automated or remotely
 1262 controlled process ~~and shall not rotate so rapidly as to cause~~
 1263 ~~distraction to a motorist.~~

1264 Section 22. Subsections (1), (5), and (9) of section
 1265 479.07, Florida Statutes, are amended to read:

1266 479.07 Sign permits.--

1267 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 1268 person may not erect, operate, use, or maintain, or cause to be
 1269 erected, operated, used, or maintained, any sign on the State
 1270 Highway System outside an urban incorporated area, as defined in
 1271 s. 334.03(32), or on any portion of the interstate or federal-
 1272 aid primary highway system without first obtaining a permit for
 1273 the sign from the department and paying the annual fee as
 1274 provided in this section. As used in ~~For purposes of~~ this
 1275 section, the term "on any portion of the State Highway System,
 1276 interstate, or federal-aid primary system" means ~~shall mean~~ a
 1277 sign located within the controlled area which is visible from
 1278 any portion of the main-traveled way of such system.

1279 (5) (a) For each permit issued, the department shall
 1280 furnish to the applicant a serially numbered permanent metal
 1281 permit tag. The permittee is responsible for maintaining a valid
 1282 permit tag on each permitted sign facing at all times. The tag
 1283 shall be securely attached to the sign facing or, if there is no
 1284 facing, on the pole nearest the highway; and it shall be
 1285 attached in such a manner as to be plainly visible from the
 1286 main-traveled way. Effective July 1, 2012, the tag must be
 1287 securely attached to the upper 50 percent of the pole nearest
 1288 the highway and must be attached in such a manner as to be

1289 plainly visible from the main-traveled way. The permit becomes
 1290 ~~will become~~ void unless the permit tag is properly and
 1291 permanently displayed at the permitted site within 30 days after
 1292 the date of permit issuance. If the permittee fails to erect a
 1293 completed sign on the permitted site within 270 days after the
 1294 date on which the permit was issued, the permit will be void,
 1295 and the department may not issue a new permit to that permittee
 1296 for the same location for 270 days after the date on which the
 1297 permit became void.

1298 (b) If a permit tag is lost, stolen, or destroyed, the
 1299 permittee to whom the tag was issued must apply to the
 1300 department for a replacement tag. The department shall adopt a
 1301 rule establishing a service fee for replacement tags in an
 1302 amount that will recover the actual cost of providing the
 1303 replacement tag. Upon receipt of the application accompanied by
 1304 the a service fee of \$3, the department shall issue a
 1305 replacement permit tag. Alternatively, the permittee may provide
 1306 its own replacement tag pursuant to department specifications
 1307 that the department shall adopt by rule at the time it
 1308 establishes the service fee for replacement tags.

1309 (9) (a) A permit shall not be granted for any sign for
 1310 which a permit had not been granted by the effective date of
 1311 this act unless such sign is located at least:

1312 1. One thousand five hundred feet from any other permitted
 1313 sign on the same side of the highway, if on an interstate
 1314 highway.

1315 2. One thousand feet from any other permitted sign on the
 1316 same side of the highway, if on a federal-aid primary highway.

1317
1318 The minimum spacing provided in this paragraph does not
1319 preclude the permitting of V-type, back-to-back, side-to-side,
1320 stacked, or double-faced signs at the permitted sign site. If a
1321 sign is visible from the controlled area of more than one
1322 highway subject to the jurisdiction of the department, the sign
1323 shall meet the permitting requirements of, and, if the sign
1324 meets the applicable permitting requirements, be permitted to,
1325 the highway having the more stringent permitting requirements.

1326 (b) A permit shall not be granted for a sign pursuant to
1327 this chapter to locate such sign on any portion of the
1328 interstate or federal-aid primary highway system, which sign:

1329 1. Exceeds 50 feet in sign structure height above the
1330 crown of the main-traveled way, if outside an incorporated area;

1331 2. Exceeds 65 feet in sign structure height above the
1332 crown of the main-traveled way, if inside an incorporated area;
1333 or

1334 3. Exceeds 950 square feet of sign facing including all
1335 embellishments.

1336 (c) Notwithstanding subparagraph (a)1., there is
1337 established a pilot program in Orange, Hillsborough, and Osceola
1338 Counties, and within the boundaries of the City of Miami, under
1339 which the distance between permitted signs on the same side of
1340 an interstate highway may be reduced to 1,000 feet if all other
1341 requirements of this chapter are met and if:

1342 1. The local government has adopted a plan, program,
1343 resolution, ordinance, or other policy encouraging the voluntary
1344 removal of signs in a downtown, historic, redevelopment, infill,

1345 or other designated area which also provides for a new or
 1346 replacement sign to be erected on an interstate highway within
 1347 that jurisdiction if a sign in the designated area is removed;

1348 2. The sign owner and the local government mutually agree
 1349 to the terms of the removal and replacement; and

1350 3. The local government notifies the department of its
 1351 intention to allow such removal and replacement as agreed upon
 1352 pursuant to subparagraph 2.

1353
 1354 The department shall maintain statistics tracking the use
 1355 of the provisions of this pilot program based on the
 1356 notifications received by the department from local governments
 1357 under this paragraph.

1358 (d) ~~Nothing in This subsection does not shall be construed~~
 1359 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
 1360 1984, to become nonconforming.

1361 Section 23. Section 479.08, Florida Statutes, is amended
 1362 to read:

1363 479.08 Denial or revocation of permit.--The department may
 1364 ~~has the authority to~~ deny or revoke any permit requested or
 1365 granted under this chapter in any case in which it determines
 1366 that the application for the permit contains knowingly false or
 1367 misleading information. The department may revoke any permit
 1368 granted under this chapter in any case in which ~~or that~~ the
 1369 permittee has violated any of the provisions of this chapter,
 1370 unless such permittee, within 30 days after the receipt of
 1371 notice by the department, ~~corrects such false or misleading~~
 1372 ~~information and~~ complies with the provisions of this chapter.

1373 For the purpose of this section, the notice of violation issued
 1374 by the department must describe in detail the alleged violation.
 1375 Any person aggrieved by any action of the department in denying
 1376 or revoking a permit under this chapter may, within 30 days
 1377 after receipt of the notice, apply to the department for an
 1378 administrative hearing pursuant to chapter 120. If a timely
 1379 request for hearing has been filed and the department issues a
 1380 final order revoking a permit, such revocation shall be
 1381 effective 30 days after the date of rendition. Except for
 1382 department action pursuant to s. 479.107(1), the filing of a
 1383 timely and proper notice of appeal shall operate to stay the
 1384 revocation until the department's action is upheld.

1385 Section 24. Section 479.156, Florida Statutes, is amended
 1386 to read:

1387 479.156 Wall murals.--Notwithstanding any other provision
 1388 of this chapter, a municipality or county may permit and
 1389 regulate wall murals within areas designated by such government.
 1390 If a municipality or county permits wall murals, a wall mural
 1391 that displays a commercial message and is within 660 feet of the
 1392 nearest edge of the right-of-way within an area adjacent to the
 1393 interstate highway system or the federal-aid primary highway
 1394 system shall be located in an area that is zoned for industrial
 1395 or commercial use and the municipality or county shall establish
 1396 and enforce regulations for such areas that, at a minimum, set
 1397 forth criteria governing the size, lighting, and spacing of wall
 1398 murals consistent with the intent of the Highway Beautification
 1399 Act of 1965 and with customary use. Whenever a municipality or
 1400 county exercises such control and makes a determination of

1401 customary use pursuant to 23 U.S.C. s. 131(d), such
 1402 determination shall be accepted in lieu of controls in the
 1403 agreement between the state and the United States Department of
 1404 Transportation, and the department shall notify the Federal
 1405 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 1406 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 1407 subject to municipal or county regulation and the Highway
 1408 Beautification Act of 1965 must be approved by the Department of
 1409 Transportation and the Federal Highway Administration when
 1410 required by federal law and federal regulation under ~~and may not~~
 1411 ~~violate~~ the agreement between the state and the United States
 1412 Department of Transportation and ~~or violate~~ federal regulations
 1413 enforced by the Department of Transportation under s. 479.02(1).
 1414 The existence of a wall mural as defined in s. 479.01(27) shall
 1415 not be considered in determining whether a sign as defined in s.
 1416 479.01(17), either existing or new, is in compliance with s.
 1417 479.07(9) (a).

1418 Section 25. Subsections (1), (3), (4), and (5) of section
 1419 479.261, Florida Statutes, are amended to read:

1420 479.261 Logo sign program.--

1421 (1) The department shall establish a logo sign program for
 1422 the rights-of-way of the interstate highway system to provide
 1423 information to motorists about available gas, food, lodging, ~~and~~
 1424 camping, attractions, and other services, as approved by the
 1425 Federal Highway Administration, at interchanges, through the use
 1426 of business logos, and may include additional interchanges under
 1427 the program. ~~A logo sign for nearby attractions may be added to~~
 1428 ~~this program if allowed by federal rules.~~

1429 (a) An attraction as used in this chapter is defined as an
1430 establishment, site, facility, or landmark that ~~which~~ is open a
1431 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
1432 ~~an admission for entry; which~~ has as its principal focus family-
1433 oriented entertainment, cultural, educational, recreational,
1434 scientific, or historical activities; and that ~~which~~ is publicly
1435 recognized as a bona fide tourist attraction. ~~However, the~~
1436 ~~permits for businesses seeking to participate in the attractions~~
1437 ~~logo sign program shall be awarded by the department annually to~~
1438 ~~the highest bidders, notwithstanding the limitation on fees in~~
1439 ~~subsection (5), which are qualified for available space at each~~
1440 ~~qualified location, but the fees therefor may not be less than~~
1441 ~~the fees established for logo participants in other logo~~
1442 ~~categories.~~

1443 (b) The department shall incorporate the use of RV-
1444 friendly markers on specific information logo signs for
1445 establishments that cater to the needs of persons driving
1446 recreational vehicles. Establishments that qualify for
1447 participation in the specific information logo program and that
1448 also qualify as "RV-friendly" may request the RV-friendly marker
1449 on their specific information logo sign. An RV-friendly marker
1450 must consist of a design approved by the Federal Highway
1451 Administration. The department shall adopt rules in accordance
1452 with chapter 120 to administer this paragraph, including rules
1453 setting forth the minimum requirements that establishments must
1454 meet in order to qualify as RV-friendly. These requirements
1455 shall include large parking spaces, entrances, and exits that
1456 can easily accommodate recreational vehicles and facilities

1457 having appropriate overhead clearances, if applicable.

1458 (c) The department may implement a 3-year rotation-based
1459 logo program providing for the removal and addition of
1460 participating businesses in the program.

1461 (3) Logo signs may be installed upon the issuance of an
1462 annual permit by the department or its agent and payment of a ~~an~~
1463 ~~application and~~ permit fee to the department or its agent.

1464 (4) The department may contract pursuant to s. 287.057 for
1465 the provision of services related to the logo sign program,
1466 including recruitment and qualification of businesses, review of
1467 applications, permit issuance, and fabrication, installation,
1468 and maintenance of logo signs. The department may reject all
1469 proposals and seek another request for proposals or otherwise
1470 perform the work. ~~If the department contracts for the provision~~
1471 ~~of services for the logo sign program, the contract must~~
1472 ~~require, unless the business owner declines, that businesses~~
1473 ~~that previously entered into agreements with the department to~~
1474 ~~privately fund logo sign construction and installation be~~
1475 ~~reimbursed by the contractor for the cost of the signs which has~~
1476 ~~not been recovered through a previously agreed upon waiver of~~
1477 ~~fees.~~ The contract also may allow the contractor to retain a
1478 portion of the annual fees as compensation for its services.
1479 (5) Permit fees for businesses that participate in the
1480 program must be established in an amount sufficient to offset
1481 the total cost to the department for the program, including
1482 contract costs. The department shall provide the services in the
1483 most efficient and cost-effective manner through department
1484 staff or by contracting for some or all of the services. The

1485 department shall adopt rules that set reasonable rates based
 1486 upon factors such as population, traffic volume, market demand,
 1487 and costs for annual permit fees. However, annual permit fees
 1488 for sign locations inside an urban area, as defined in s.
 1489 334.03(32), may not exceed \$5,000, and annual permit fees for
 1490 sign locations outside an urban area, as defined in s.
 1491 334.03(32), may not exceed \$2,500. After recovering program
 1492 costs, the proceeds from the logo program shall be deposited
 1493 into the State Transportation Trust Fund and used for
 1494 transportation purposes. Such annual permit fee shall not exceed
 1495 \$1,250.

1496 Section 26. The Department of Transportation, in
 1497 consultation with the Department of Law Enforcement, the
 1498 Department of Environmental Protection, the Division of
 1499 Emergency Management of the Department of Community Affairs, the
 1500 Office of Tourism, Trade, and Economic Development, affected
 1501 metropolitan planning organizations, and regional planning
 1502 councils within whose jurisdictional area the I-95 corridor
 1503 lies, shall complete a study of transportation alternatives for
 1504 the travel corridor parallel to Interstate 95 which takes into
 1505 account the transportation, emergency management, homeland
 1506 security, and economic development needs of the state. The
 1507 report must include identification of cost-effective measures
 1508 that may be implemented to alleviate congestion on Interstate
 1509 95, facilitate emergency and security responses, and foster
 1510 economic development. The Department of Transportation shall
 1511 send the report to the Governor, the President of the Senate,
 1512 the Speaker of the House of Representatives, and each affected

1513 metropolitan planning organization by June 30, 2010.

1514 Section 27. (1) Part III of chapter 343, Florida
 1515 Statutes, consisting of sections 343.71, 343.72, 343.73, 343.74,
 1516 343.75, 343.76, and 343.77, is repealed.

1517 (2) Any assets or liabilities of the Tampa Bay Commuter
 1518 Transit Authority are transferred to the Tampa Bay Area Regional
 1519 Transportation Authority as created under s. 343.92, Florida
 1520 Statutes.

1521 Section 28. Paragraph (c) of subsection (4) of section
 1522 316.191, Florida Statutes, is amended to read:

1523 316.191 Racing on highways.--

1524 (4) Whenever a law enforcement officer determines that a
 1525 person was engaged in a drag race or race, as described in
 1526 subsection (1), the officer may immediately arrest and take such
 1527 person into custody. The court may enter an order of impoundment
 1528 or immobilization as a condition of incarceration or probation.
 1529 Within 7 business days after the date the court issues the order
 1530 of impoundment or immobilization, the clerk of the court must
 1531 send notice by certified mail, return receipt requested, to the
 1532 registered owner of the motor vehicle, if the registered owner
 1533 is a person other than the defendant, and to each person of
 1534 record claiming a lien against the motor vehicle.

1535 (c) Any motor vehicle used in violation of subsection (2)
 1536 may be impounded for a period of 30 ~~10~~ business days if a law
 1537 enforcement officer has arrested and taken a person into custody
 1538 pursuant to this subsection and the person being arrested is the
 1539 registered owner or coowner of the motor vehicle. If the
 1540 arresting officer finds that the criteria of this paragraph are

1541 met, the officer may immediately impound the motor vehicle. The
 1542 law enforcement officer shall notify the Department of Highway
 1543 Safety and Motor Vehicles of any impoundment for violation of
 1544 this subsection in accordance with procedures established by the
 1545 department. The provisions of paragraphs (a) and (b) shall be
 1546 applicable to such impoundment.

1547 Section 29. Paragraph (c) of subsection (1) of section
 1548 316.191, Florida Statutes, is amended to read:

1549 316.191 Racing on highways.--

1550 (1) As used in this section, the term:

1551 (c) "Race" ~~"Racing"~~ means the use of one or more motor
 1552 vehicles in competition, arising from a challenge to demonstrate
 1553 superiority of a motor vehicle or driver and the acceptance or
 1554 competitive response to that challenge, either through a prior
 1555 arrangement or in immediate response, in which the competitor
 1556 attempts an attempt to outgain or outdistance another motor
 1557 vehicle, to prevent another motor vehicle from passing, to
 1558 arrive at a given destination ahead of another motor vehicle or
 1559 motor vehicles, or to test the physical stamina or endurance of
 1560 drivers over long-distance driving routes. A race may be
 1561 prearranged or may occur through a competitive response to
 1562 conduct on the part of one or more drivers which, under the
 1563 totality of the circumstances, can reasonably be interpreted as
 1564 a challenge to race.

1565 Section 30. This act shall take effect July 1, 2009.