ENROLLED
HB 1021, Engrossed 2 2009 Legislature

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; <u>lands adjacent to an airport as</u>
216 <u>defined in s. 330.35 and consistent with s. 333.02;</u> 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 <u>shall</u> ~~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.~~(c)~~ 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 nonselected 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 nonselected 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

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

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 do
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.

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