

By the Committee on Transportation; and Senator Gardiner

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1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; providing that the executive director of the
4 Florida Transportation Commission is in the Senior
5 Management Service; amending s. 125.42, F.S.;
6 providing for counties to incur certain costs related
7 to the relocation or removal of certain utility
8 facilities under specified circumstances; amending s.
9 163.3177, F.S.; revising requirements for
10 comprehensive plans; providing a timeframe for
11 submission of certain information to the state land
12 planning agency; providing for airports, land adjacent
13 to airports, and certain interlocal agreements
14 relating thereto in certain elements of the plan;
15 amending s. 163.3178, F.S.; providing that certain
16 port-related facilities may not be designated as
17 developments of regional impact under certain
18 circumstances; amending s. 337.11, F.S.; providing for
19 the department to pay a portion of certain proposal
20 development costs; requiring the department to
21 advertise certain contracts as design-build contracts;
22 amending s. 337.18, F.S.; requiring the contractor to
23 maintain a copy of the required payment and
24 performance bond at certain locations and provide a
25 copy upon request; providing that a copy may be
26 obtained directly from the department; removing a
27 provision requiring that a copy be recorded in the
28 public records of the county; amending s. 337.185,
29 F.S.; providing for the State Arbitration Board to

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30 arbitrate certain claims relating to maintenance
31 contracts; providing for a member of the board to be
32 elected by maintenance companies as well as
33 construction companies; amending s. 337.403, F.S.;
34 providing for the department or local governmental
35 entity to pay certain costs of removal or relocation
36 of a utility facility that is found to be interfering
37 with the use, maintenance, improvement, extension, or
38 expansion of a public road or publicly owned rail
39 corridor under described circumstances; amending s.
40 337.408, F.S.; providing for public pay telephones and
41 advertising thereon to be installed within the right-
42 of-way limits of any municipal, county, or state road;
43 amending s. 338.01, F.S.; requiring new and
44 replacement electronic toll collection systems to be
45 interoperable with the department's system; amending
46 s. 338.165, F.S.; providing that provisions requiring
47 the continuation of tolls following the discharge of
48 bond indebtedness does not apply to high-occupancy
49 toll lanes or express lanes; creating s. 338.166,
50 F.S.; authorizing the department to request that bonds
51 be issued which are secured by toll revenues from
52 high-occupancy toll or express lanes in a specified
53 location; providing for the department to continue to
54 collect tolls after discharge of indebtedness;
55 authorizing the use of excess toll revenues for
56 improvements to the State Highway System; authorizing
57 the implementation of variable rate tolls on high-
58 occupancy toll lanes or express lanes; amending s.

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59 338.2216, F.S.; directing the Florida Turnpike
60 Enterprise to implement new technologies and processes
61 in its operations and collection of tolls and other
62 amounts; amending s. 338.231, F.S.; revising
63 provisions for establishing and collecting tolls;
64 authorizing the collection of amounts to cover costs
65 of toll collection and payment methods; requiring
66 public notice and hearing; amending s. 339.2816, F.S.,
67 relating to the small county road assistance program;
68 providing for resumption of certain funding for the
69 program; revising the criteria for counties eligible
70 to participate in the program; amending s. 348.0003,
71 F.S.; requiring transportation, bridge, and toll
72 authorities to comply with the financial disclosure
73 requirements of the State Constitution; amending s.
74 479.01, F.S.; revising provisions for outdoor
75 advertising; revising the definition of the term
76 "automatic changeable facing"; amending s. 479.07,
77 F.S.; revising a prohibition against signs on the
78 State Highway System; revising requirements for
79 display of the sign permit tag; directing the
80 department to establish by rule a fee for furnishing a
81 replacement permit tag; revising the pilot project for
82 permitted signs to include Hillsborough County and
83 areas within the boundaries of the City of Miami;
84 amending s. 479.08, F.S.; revising provisions for
85 denial or revocation of a sign permit; amending s.
86 479.156, F.S.; clarifying that a municipality or
87 county is authorized to make a determination of

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88 customary use with respect to regulations governing
89 commercial wall murals and that such determination
90 must be accepted in lieu of any agreement between the
91 state and the United States Department of
92 Transportation; amending s. 479.261, F.S.; revising
93 requirements for the logo sign program of the
94 interstate highway system; deleting provisions
95 providing for permits to be awarded to the highest
96 bidders; requiring the department to implement a
97 rotation-based logo program; requiring the department
98 to adopt rules that set reasonable rates based on
99 certain factors for annual permit fees; requiring that
100 such fees not exceed a certain amount for sign
101 locations inside and outside an urban area; requiring
102 the department to conduct a study of transportation
103 alternatives for the Interstate 95 corridor and report
104 to the Governor, the Legislature, and the affected
105 metropolitan planning organizations; repealing part
106 III of ch. 343 F.S., relating to the Tampa Bay
107 Commuter Transit Authority; transferring any assets to
108 the Tampa Bay Area Regional Transportation Authority;
109 providing an effective date.

110
111 Be It Enacted by the Legislature of the State of Florida:

112
113 Section 1. Paragraph (h) of subsection (2) of section
114 20.23, Florida Statutes, is amended to read:

115 20.23 Department of Transportation.—There is created a
116 Department of Transportation which shall be a decentralized

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117 agency.

118 (2)

119 (h) The commission shall appoint an executive director and
120 assistant executive director, who shall serve under the
121 direction, supervision, and control of the commission. The
122 executive director, with the consent of the commission, shall
123 employ such staff as are necessary to perform adequately the
124 functions of the commission, within budgetary limitations. All
125 employees of the commission are exempt from part II of chapter
126 110 and shall serve at the pleasure of the commission. The
127 salary and benefits of the executive director shall be in
128 accordance with Senior Management Service, and the salaries and
129 benefits of all other employees of the commission shall be ~~set~~
130 in accordance with the Selected Exempt Service. ~~;~~ ~~provided,~~
131 However, ~~that~~ the commission shall fix ~~have complete authority~~
132 ~~for fixing~~ the salary of the executive director and assistant
133 executive director.

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

136 125.42 Water, sewage, gas, power, telephone, other utility,
137 and television lines along county roads and highways.—

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

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

145 163.3177 Required and optional elements of comprehensive

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146 plan; studies and surveys.—

147 (6) In addition to the requirements of subsections (1)-(5)
148 and (12), the comprehensive plan shall include the following
149 elements:

150 (a) A future land use plan element designating proposed
151 future general distribution, location, and extent of the uses of
152 land for residential uses, commercial uses, industry,
153 agriculture, recreation, conservation, education, public
154 buildings and grounds, other public facilities, and other
155 categories of the public and private uses of land. Counties are
156 encouraged to designate rural land stewardship areas, pursuant
157 to ~~the provisions of~~ paragraph (11)(d), as overlays on the
158 future land use map. Each future land use category must be
159 defined in terms of uses included, and must include standards to
160 be followed in the control and distribution of population
161 densities and building and structure intensities. The proposed
162 distribution, location, and extent of the various categories of
163 land use shall be shown on a land use map or map series which
164 shall be supplemented by goals, policies, and measurable
165 objectives. The future land use plan shall be based upon
166 surveys, studies, and data regarding the area, including the
167 amount of land required to accommodate anticipated growth; the
168 projected population of the area; the character of undeveloped
169 land; the availability of water supplies, public facilities, and
170 services; the need for redevelopment, including the renewal of
171 blighted areas and the elimination of nonconforming uses which
172 are inconsistent with the character of the community; the
173 compatibility of uses on lands adjacent to or closely proximate
174 to military installations; lands adjacent to an airport as

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175 defined in s. 330.35 and consistent with s. 333.02; the
176 discouragement of urban sprawl; energy-efficient land use
177 patterns accounting for existing and future electric power
178 generation and transmission systems; greenhouse gas reduction
179 strategies; and, in rural communities, the need for job
180 creation, capital investment, and economic development that will
181 strengthen and diversify the community's economy. The future
182 land use plan may designate areas for future planned development
183 use involving combinations of types of uses for which special
184 regulations may be necessary to ensure development in accord
185 with the principles and standards of the comprehensive plan and
186 this act. The future land use plan element shall include
187 criteria to be used to achieve the compatibility of lands
188 adjacent or closely proximate ~~to lands with~~ military
189 installations, and lands adjacent to an airport as defined in s.
190 330.35 and consistent with s. 333.02. In addition, for rural
191 communities, the amount of land designated for future planned
192 industrial use shall be based upon surveys and studies that
193 reflect the need for job creation, capital investment, and the
194 necessity to strengthen and diversify the local economies, and
195 may ~~shall~~ not be limited solely by the projected population of
196 the rural community. The future land use plan of a county may
197 also designate areas for possible future municipal
198 incorporation. The land use maps or map series shall generally
199 identify and depict historic district boundaries and shall
200 designate historically significant properties meriting
201 protection. For coastal counties, the future land use element
202 must include, without limitation, regulatory incentives and
203 criteria that encourage the preservation of recreational and

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204 commercial working waterfronts as defined in s. 342.07. The
205 future land use element must clearly identify the land use
206 categories in which public schools are an allowable use. When
207 delineating the land use categories in which public schools are
208 an allowable use, a local government shall include in the
209 categories sufficient land proximate to residential development
210 to meet the projected needs for schools in coordination with
211 public school boards and may establish differing criteria for
212 schools of different type or size. Each local government shall
213 include lands contiguous to existing school sites, to the
214 maximum extent possible, within the land use categories in which
215 public schools are an allowable use. The failure by a local
216 government to comply with these school siting requirements will
217 result in the prohibition of the local government's ability to
218 amend the local comprehensive plan, except for plan amendments
219 described in s. 163.3187(1)(b), until the school siting
220 requirements are met. Amendments proposed by a local government
221 for purposes of identifying the land use categories in which
222 public schools are an allowable use are exempt from the
223 limitation on the frequency of plan amendments contained in s.
224 163.3187. The future land use element shall include criteria
225 that encourage the location of schools proximate to urban
226 residential areas to the extent possible and shall require that
227 the local government seek to collocate public facilities, such
228 as parks, libraries, and community centers, with schools to the
229 extent possible and to encourage the use of elementary schools
230 as focal points for neighborhoods. For schools serving
231 predominantly rural counties, defined as a county with a
232 population of 100,000 or fewer, an agricultural land use

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233 category is ~~shall be~~ eligible for the location of public school
234 facilities if the local comprehensive plan contains school
235 siting criteria and the location is consistent with such
236 criteria. Local governments required to update or amend their
237 comprehensive plan to include criteria and address compatibility
238 of lands adjacent or closely proximate to ~~lands with~~ existing
239 military installations, or lands adjacent to an airport as
240 defined in s. 330.35 and consistent with s. 333.02, in their
241 future land use plan element shall transmit the update or
242 amendment to the state land planning agency ~~department~~ by June
243 30, 2012 ~~2006~~.

244 (h)1. An intergovernmental coordination element showing
245 relationships and stating principles and guidelines to be used
246 in the accomplishment of coordination of the adopted
247 comprehensive plan with the plans of school boards, regional
248 water supply authorities, and other units of local government
249 providing services but not having regulatory authority over the
250 use of land, with the comprehensive plans of adjacent
251 municipalities, the county, adjacent counties, or the region,
252 with the state comprehensive plan and with the applicable
253 regional water supply plan approved pursuant to s. 373.0361, as
254 the case may require and as such adopted plans or plans in
255 preparation may exist. This element of the local comprehensive
256 plan shall demonstrate consideration of the particular effects
257 of the local plan, when adopted, upon the development of
258 adjacent municipalities, the county, adjacent counties, or the
259 region, or upon the state comprehensive plan, as the case may
260 require.

261 a. The intergovernmental coordination element shall provide

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262 ~~for~~ procedures to identify and implement joint planning areas,
263 especially for the purpose of annexation, municipal
264 incorporation, and joint infrastructure service areas.

265 b. The intergovernmental coordination element shall provide
266 for recognition of campus master plans prepared pursuant to s.
267 1013.30 and airport master plans under paragraph (k).

268 c. The intergovernmental coordination element may provide
269 for a voluntary dispute resolution process as established
270 pursuant to s. 186.509 for bringing to closure in a timely
271 manner intergovernmental disputes. A local government may
272 develop and use an alternative local dispute resolution process
273 for this purpose.

274 d. The intergovernmental coordination element shall provide
275 for interlocal agreements as established pursuant to s.
276 333.03(1)(b).

277 2. The intergovernmental coordination element shall further
278 state principles and guidelines to be used in the accomplishment
279 of coordination of the adopted comprehensive plan with the plans
280 of school boards and other units of local government providing
281 facilities and services but not having regulatory authority over
282 the use of land. In addition, the intergovernmental coordination
283 element shall describe joint processes for collaborative
284 planning and decisionmaking on population projections and public
285 school siting, the location and extension of public facilities
286 subject to concurrency, and siting facilities with countywide
287 significance, including locally unwanted land uses whose nature
288 and identity are established in an agreement. Within 1 year of
289 adopting their intergovernmental coordination elements, each
290 county, all the municipalities within that county, the district

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291 school board, and any unit of local government service providers
292 in that county shall establish by interlocal or other formal
293 agreement executed by all affected entities, the joint processes
294 described in this subparagraph consistent with their adopted
295 intergovernmental coordination elements.

296 3. To foster coordination between special districts and
297 local general-purpose governments as local general-purpose
298 governments implement local comprehensive plans, each
299 independent special district must submit a public facilities
300 report to the appropriate local government as required by s.
301 189.415.

302 4.a. Local governments shall ~~must~~ execute an interlocal
303 agreement with the district school board, the county, and
304 nonexempt municipalities pursuant to s. 163.31777. The local
305 government shall amend the intergovernmental coordination
306 element to provide that coordination between the local
307 government and school board is pursuant to the agreement and
308 shall state the obligations of the local government under the
309 agreement.

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

312 5. The state land planning agency shall establish a
313 schedule for phased completion and transmittal of plan
314 amendments to implement subparagraphs 1., 2., and 3. from all
315 jurisdictions so as to accomplish their adoption by December 31,
316 1999. A local government may complete and transmit its plan
317 amendments to carry out these provisions prior to the scheduled
318 date established by the state land planning agency. The plan
319 amendments are exempt from the provisions of s. 163.3187(1).

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

324 a. Identifies all existing or proposed interlocal service
325 delivery agreements regarding the following: education; sanitary
326 sewer; public safety; solid waste; drainage; potable water;
327 parks and recreation; and transportation facilities.

328 b. Identifies any deficits or duplication in the provision
329 of services within its jurisdiction, whether capital or
330 operational. Upon request, the Department of Community Affairs
331 shall provide technical assistance to the local governments in
332 identifying deficits or duplication.

333 7. Within 6 months after submission of the report, the
334 Department of Community Affairs shall, through the appropriate
335 regional planning council, coordinate a meeting of all local
336 governments within the regional planning area to discuss the
337 reports and potential strategies to remedy any identified
338 deficiencies or duplications.

339 8. Each local government shall update its intergovernmental
340 coordination element based upon the findings in the report
341 submitted pursuant to subparagraph 6. The report may be used as
342 supporting data and analysis for the intergovernmental
343 coordination element.

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

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349 1. Traffic circulation, including major thoroughfares and
350 other routes, including bicycle and pedestrian ways.

351 2. All alternative modes of travel, such as public
352 transportation, pedestrian, and bicycle travel.

353 3. Parking facilities.

354 4. Aviation, rail, seaport facilities, access to those
355 facilities, and intermodal terminals.

356 5. The availability of facilities and services to serve
357 existing land uses and the compatibility between future land use
358 and transportation elements.

359 6. The capability to evacuate the coastal population prior
360 to an impending natural disaster.

361 7. Airports, projected airport and aviation development,
362 and land use compatibility around airports, which includes areas
363 defined in ss. 333.01 and 333.02.

364 8. An identification of land use densities, building
365 intensities, and transportation management programs to promote
366 public transportation systems in designated public
367 transportation corridors so as to encourage population densities
368 sufficient to support such systems.

369 9. May include transportation corridors, as defined in s.
370 334.03, intended for future transportation facilities designated
371 pursuant to s. 337.273. If transportation corridors are
372 designated, the local government may adopt a transportation
373 corridor management ordinance.

374 10. The incorporation of transportation strategies to
375 address reduction in greenhouse gas emissions from the
376 transportation sector.

377 Section 4. Subsection (3) of section 163.3178, Florida

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378 Statutes, is amended to read:

379 163.3178 Coastal management.-

380 (3) Expansions to port harbors, spoil disposal sites,
381 navigation channels, turning basins, harbor berths, and other
382 related inwater harbor facilities of ports listed in s.
383 403.021(9); port transportation facilities and projects listed
384 in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities
385 identified pursuant to s. 311.09(3); and facilities determined
386 by the Department of Community Affairs and applicable general-
387 purpose local government to be port-related industrial or
388 commercial projects located within 3 miles of or in a port
389 master plan area which rely upon the use of port and intermodal
390 transportation facilities shall not be designated as
391 developments of regional impact if ~~where~~ such expansions,
392 projects, or facilities are consistent with comprehensive master
393 plans that are in compliance with this section.

394 Section 5. Subsection (7) of section 337.11, Florida
395 Statutes, is amended, present subsections (8) through (15) of
396 that section are renumbered as subsections (9) through (16),
397 respectively, and a new subsection (8) is added to that section,
398 to read:

399 337.11 Contracting authority of department; bids; emergency
400 repairs, supplemental agreements, and change orders; combined
401 design and construction contracts; progress payments; records;
402 requirements of vehicle registration.-

403 (7)(a) If ~~the head of~~ the department determines that it is
404 in the best interests of the public, the department may combine
405 the design and construction phases of a building, a major
406 bridge, a limited access facility, or a rail corridor project

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407 into a single contract. Such contract is referred to as a
408 design-build contract. Design-build contracts may be advertised
409 and awarded notwithstanding the requirements of paragraph
410 (3)(c). However, construction activities may not begin on any
411 portion of such projects for which the department has not yet
412 obtained title to the necessary rights-of-way and easements for
413 the construction of that portion of the project has vested in
414 the state or a local governmental entity and all railroad
415 crossing and utility agreements have been executed. Title to
416 rights-of-way shall be deemed to have vested in the state when
417 the title has been dedicated to the public or acquired by
418 prescription.

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

- 422 1. Prequalification requirements.
- 423 2. Public announcement procedures.
- 424 3. Scope of service requirements.
- 425 4. Letters of interest requirements.
- 426 5. Short-listing criteria and procedures.
- 427 6. Bid proposal requirements.
- 428 7. Technical review committee.
- 429 8. Selection and award processes.
- 430 9. Stipend requirements.

431 (c) The department must receive at least three letters of
432 interest in order to proceed with a request for proposals. The
433 department shall request proposals from no fewer than three of
434 the design-build firms submitting letters of interest. If a
435 design-build firm withdraws from consideration after the

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436 department requests proposals, the department may continue if at
437 least two proposals are received.

438 (8) If the department determines that it is in the best
439 interest of the public, the department may pay a stipend to
440 nonselcted design-build firms that have submitted responsive
441 proposals for construction contracts. The decision and amount of
442 a stipend shall be based upon department analysis of the
443 estimated proposal development costs and the anticipated degree
444 of engineering design during the procurement process. The
445 department retains the right to use those designs from
446 responsiveonselcted design-build firms that accept a stipend.

447 Section 6. Paragraph (b) of subsection (1) of section
448 337.18, Florida Statutes, is amended to read:

449 337.18 Surety bonds for construction or maintenance
450 contracts; requirement with respect to contract award; bond
451 requirements; defaults; damage assessments.-

452 (1)

453 (b) Before beginning any work under the contract, the
454 contractor shall maintain a copy of the payment and performance
455 bond required under this section at its principal place of
456 business and at the jobsite office, if one is established, and
457 the contractor shall provide a copy of the payment and
458 performance bond within 5 days after receiving a written request
459 for the bond. A copy of the payment and performance bond
460 required under this section may also be obtained directly from
461 the department by making a request pursuant to chapter 119. ~~Upon~~
462 ~~execution of the contract, and prior to beginning any work under~~
463 ~~the contract, the contractor shall record in the public records~~
464 ~~of the county where the improvement is located the payment and~~

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465 ~~performance bond required under this section.~~ A claimant has
466 ~~shall have~~ a right of action against the contractor and surety
467 for the amount due him or her, including unpaid finance charges
468 due under the claimant's contract. The ~~Such~~ action may ~~shall~~ not
469 involve the department in any expense.

470 Section 7. Subsections (1), (2), and (7) of section
471 337.185, Florida Statutes, are amended to read:

472 337.185 State Arbitration Board.—

473 (1) To facilitate the prompt settlement of claims for
474 additional compensation arising out of construction and
475 maintenance contracts between the department and the various
476 contractors with whom it transacts business, the Legislature
477 does hereby establish the State Arbitration Board, referred to
478 in this section as the "board." For the purpose of this section,
479 the term "claim" means ~~shall mean~~ the aggregate of all
480 outstanding claims by a party arising out of a construction or
481 maintenance contract. Every contractual claim in an amount up to
482 \$250,000 per contract or, at the claimant's option, up to
483 \$500,000 per contract or, upon agreement of the parties, up to
484 \$1 million per contract that cannot be resolved by negotiation
485 between the department and the contractor shall be arbitrated by
486 the board after acceptance of the project by the department. As
487 an exception, either party to the dispute may request that the
488 claim be submitted to binding private arbitration. A court of
489 law may not consider the settlement of such a claim until the
490 process established by this section has been exhausted.

491 (2) The board shall be composed of three members. One
492 member shall be appointed by the head of the department, and one
493 member shall be elected by those construction or maintenance

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494 companies who are under contract with the department. The third
495 member shall be chosen by agreement of the other two members.
496 Whenever the third member has a conflict of interest regarding
497 affiliation with one of the parties, the other two members shall
498 select an alternate member for that hearing. The head of the
499 department may select an alternative or substitute to serve as
500 the department member for any hearing or term. Each member shall
501 serve a 2-year term. The board shall elect a chair, each term,
502 who shall be the administrator of the board and custodian of its
503 records.

504 (7) The members of the board may receive compensation for
505 the performance of their duties hereunder, from administrative
506 fees received by the board, except that no employee of the
507 department may receive compensation from the board. The
508 compensation amount shall be determined by the board, but may
509 ~~shall~~ not exceed \$125 per hour, up to a maximum of \$1,000 per
510 day for each member authorized to receive compensation. ~~Nothing~~
511 ~~in~~ This section does not shall prevent the member elected by
512 construction or maintenance companies from being an employee of
513 an association affiliated with the industry, even if the sole
514 responsibility of that member is service on the board. Travel
515 expenses for the industry member may be paid by an industry
516 association, if necessary. The board may allocate funds annually
517 for clerical and other administrative services.

518 Section 8. Subsection (1) of section 337.403, Florida
519 Statutes, is amended to read:

520 337.403 Relocation of utility; expenses.—

521 (1) Any utility heretofore or hereafter placed upon, under,
522 over, or along any public road or publicly owned rail corridor

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523 that is found by the authority to be unreasonably interfering in
524 any way with the convenient, safe, or continuous use, or the
525 maintenance, improvement, extension, or expansion, of such
526 public road or publicly owned rail corridor shall, upon 30 days'
527 written notice to the utility or its agent by the authority, be
528 removed or relocated by such utility at its own expense except
529 as provided in paragraphs (a)-(e) ~~(a), (b), and (c)~~.

530 (a) If the relocation of utility facilities, as referred to
531 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
532 627 of the 84th Congress, is necessitated by the construction of
533 a project on the federal-aid interstate system, including
534 extensions thereof within urban areas, and the cost of the ~~such~~
535 project is eligible and approved for reimbursement by the
536 Federal Government to the extent of 90 percent or more under the
537 Federal Aid Highway Act, or any amendment thereof, then in that
538 event the utility owning or operating such facilities shall
539 relocate the ~~such~~ facilities upon order of the department, and
540 the state shall pay the entire expense properly attributable to
541 such relocation after deducting therefrom any increase in the
542 value of the new facility and any salvage value derived from the
543 old facility.

544 (b) When a joint agreement between the department and the
545 utility is executed for utility improvement, relocation, or
546 removal work to be accomplished as part of a contract for
547 construction of a transportation facility, the department may
548 participate in those utility improvement, relocation, or removal
549 costs that exceed the department's official estimate of the cost
550 of the ~~such~~ work by more than 10 percent. The amount of such
551 participation shall be limited to the difference between the

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552 official estimate of all the work in the joint agreement plus 10
553 percent and the amount awarded for this work in the construction
554 contract for such work. The department may not participate in
555 any utility improvement, relocation, or removal costs that occur
556 as a result of changes or additions during the course of the
557 contract.

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

563 (d) If the utility facility being removed or relocated was
564 initially installed to exclusively serve the department, its
565 tenants, or both, the department shall bear the costs of
566 removing or relocating that utility facility. However, the
567 department is not responsible for bearing the cost of removing
568 or relocating any subsequent additions to that facility for the
569 purpose of serving others.

570 (e) If, under an agreement between a utility and the
571 authority entered into on or after July 1, 2009, the utility
572 conveys, subordinates, or relinquishes a compensable property
573 right to the authority for the purpose of accommodating the
574 acquisition or use of the right-of-way by the authority, without
575 the agreement expressly addressing future responsibility for the
576 cost of removing or relocating the utility, the authority shall
577 bear the cost of removal or relocation. This paragraph does not
578 impair or restrict, and may not be used to interpret, the terms
579 of any such agreement entered into before July 1, 2009.

580 Section 9. Subsections (4) and (5) of section 337.408,

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581 Florida Statutes, are amended, present subsection (7) of that
582 section is renumbered as subsection (8), and a new subsection
583 (7) is added to that section, to read:

584 337.408 Regulation of benches, transit shelters, street
585 light poles, waste disposal receptacles, and modular news racks
586 within rights-of-way.—

587 (4) The department has the authority to direct the
588 immediate relocation or removal of any bench, transit shelter,
589 waste disposal receptacle, public pay telephone, or modular news
590 rack that ~~which~~ endangers life or property, except that transit
591 bus benches that were ~~which have been~~ placed in service before
592 ~~prior to~~ April 1, 1992, are not required to comply with bench
593 size and advertising display size requirements ~~which have been~~
594 established by the department before ~~prior to~~ March 1, 1992. Any
595 transit bus bench that was in service before ~~prior to~~ April 1,
596 1992, may be replaced with a bus bench of the same size or
597 smaller, if the bench is damaged or destroyed or otherwise
598 becomes unusable. The department may ~~is authorized to~~ adopt
599 rules relating to the regulation of bench size and advertising
600 display size requirements. If a municipality or county within
601 which a bench is to be located has adopted an ordinance or other
602 applicable regulation that establishes bench size or advertising
603 display sign requirements different from requirements specified
604 in department rule, the local government requirement applies
605 ~~shall be applicable~~ within the respective municipality or
606 county. Placement of any bench or advertising display on the
607 National Highway System under a local ordinance or regulation
608 adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to
609 approval of the Federal Highway Administration.

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610 (5) ~~A~~ ~~Ne~~ bench, transit shelter, waste disposal receptacle,
611 public pay telephone, or modular news rack, or advertising
612 thereon, may not shall be erected or ~~se~~ placed on the right-of-
613 way of any road in a manner that ~~which~~ conflicts with the
614 requirements of federal law, regulations, or safety standards,
615 thereby causing the state or any political subdivision the loss
616 of federal funds. Competition among persons seeking to provide
617 bench, transit shelter, waste disposal receptacle, public pay
618 telephone, or modular news rack services or advertising on such
619 benches, shelters, receptacles, public pay telephone, or news
620 racks may be regulated, restricted, or denied by the appropriate
621 local government entity consistent with ~~the provisions of this~~
622 section.

623 (7) A public pay telephone, including advertising displayed
624 thereon, may be installed within the right-of-way limits of any
625 municipal, county, or state road, except on a limited access
626 highway, if the pay telephone is installed by a provider duly
627 authorized and regulated by the Public Service Commission under
628 s. 364.3375, if the pay telephone is operated in accordance with
629 all applicable state and federal telecommunications regulations,
630 and if written authorization has been given to a public pay
631 telephone provider by the appropriate municipal or county
632 government. Each advertisement must be limited to a size no
633 greater than 8 square feet and a public pay telephone booth may
634 not display more than three advertisements at any given time. An
635 advertisement is not allowed on public pay telephones located in
636 rest areas, welcome centers, or other such facilities located on
637 an interstate highway.

638 Section 10. Subsection (6) is added to section 338.01,

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639 Florida Statutes, to read:

640 338.01 Authority to establish and regulate limited access
641 facilities.-

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

646 Section 11. Present subsections (7) and (8) of section
647 338.165, Florida Statutes, are renumbered as subsections (8) and
648 (9), respectively, and a new subsection (7) is added to that
649 section, to read:

650 338.165 Continuation of tolls.-

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

653 Section 12. Section 338.166, Florida Statutes, is created
654 to read:

655 338.166 High-occupancy toll lanes or express lanes.-

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

661 (2) The department may continue to collect the toll on the
662 high-occupancy toll lanes or express lanes after the discharge
663 of any bond indebtedness related to such project. All tolls so
664 collected shall first be used to pay the annual cost of the
665 operation, maintenance, and improvement of the high-occupancy
666 toll lanes or express lanes project or associated transportation
667 system.

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

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

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

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

679 Section 13. Paragraph (d) is added to subsection (1) of
680 section 338.2216, Florida Statutes, to read:

681 338.2216 Florida Turnpike Enterprise; powers and
682 authority.—

683 (1)

684 (d) The Florida Turnpike Enterprise shall pursue and
685 implement new technologies and processes in its operations and
686 collection of tolls and the collection of other amounts
687 associated with road and infrastructure usage. Such technologies
688 and processes must include, without limitation, video billing
689 and variable pricing.

690 Section 14. Section 338.231, Florida Statutes, is amended
691 to read:

692 338.231 Turnpike tolls, fixing; pledge of tolls and other
693 revenues.—The department shall at all times fix, adjust, charge,
694 and collect such tolls and amounts for the use of the turnpike
695 system as are required in order to provide a fund sufficient
696 with other revenues of the turnpike system to pay the cost of

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697 maintaining, improving, repairing, and operating such turnpike
698 system; to pay the principal of and interest on all bonds issued
699 to finance or refinance any portion of the turnpike system as
700 the same become due and payable; and to create reserves for all
701 such purposes.

702 ~~(1) In the process of effectuating toll rate increases over~~
703 ~~the period 1988 through 1992, the department shall, to the~~
704 ~~maximum extent feasible, equalize the toll structure, within~~
705 ~~each vehicle classification, so that the per mile toll rate will~~
706 ~~be approximately the same throughout the turnpike system. New~~
707 ~~turnpike projects may have toll rates higher than the uniform~~
708 ~~system rate where such higher toll rates are necessary to~~
709 ~~qualify the project in accordance with the financial criteria in~~
710 ~~the turnpike law. Such higher rates may be reduced to the~~
711 ~~uniform system rate when the project is generating sufficient~~
712 ~~revenues to pay the full amount of debt service and operating~~
713 ~~and maintenance costs at the uniform system rate. If, after 15~~
714 ~~years of opening to traffic, the annual revenue of a turnpike~~
715 ~~project does not meet or exceed the annual debt service~~
716 ~~requirements and operating and maintenance costs attributable to~~
717 ~~such project, the department shall, to the maximum extent~~
718 ~~feasible, establish a toll rate for the project which is higher~~
719 ~~than the uniform system rate as necessary to meet such annual~~
720 ~~debt service requirements and operating and maintenance costs.~~
721 ~~The department may, to the extent feasible, establish a~~
722 ~~temporary toll rate at less than the uniform system rate for the~~
723 ~~purpose of building patronage for the ultimate benefit of the~~
724 ~~turnpike system. In no case shall the temporary rate be~~
725 ~~established for more than 1 year. The requirements of this~~

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726 ~~subsection shall not apply when the application of such~~
727 ~~requirements would violate any covenant established in a~~
728 ~~resolution or trust indenture relating to the issuance of~~
729 ~~turnpike bonds.~~

730 (1)~~(2)~~ Notwithstanding any other ~~provision of~~ law, the
731 department may defer the scheduled July 1, 1993, toll rate
732 increase on the Homestead Extension of the Florida Turnpike
733 until July 1, 1995. The department may also advance funds to the
734 Turnpike General Reserve Trust Fund to replace estimated lost
735 revenues resulting from this deferral. The amount advanced must
736 be repaid within 12 years from the date of advance; however, the
737 repayment is subordinate to all other debt financing of the
738 turnpike system outstanding at the time repayment is due.

739 (2)~~(3)~~ The department shall publish a proposed change in
740 the toll rate for the use of an existing toll facility, in the
741 manner provided for in s. 120.54, which will provide for public
742 notice and the opportunity for a public hearing before the
743 adoption of the proposed rate change. When the department is
744 evaluating a proposed turnpike toll project under s. 338.223 and
745 has determined that there is a high probability that the project
746 will pass the test of economic feasibility predicated on
747 proposed toll rates, the toll rate that is proposed to be
748 charged after the project is constructed must be adopted during
749 the planning and project development phase of the project, in
750 the manner provided for in s. 120.54, including public notice
751 and the opportunity for a public hearing. For such a new
752 project, the toll rate becomes effective upon the opening of the
753 project to traffic.

754 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,

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755 2017, the department shall, to the maximum extent feasible,
756 program sufficient funds in the tentative work program such that
757 the percentage of turnpike toll and bond financed commitments in
758 Miami-Dade County, Broward County, and Palm Beach County as
759 compared to total turnpike toll and bond financed commitments
760 shall be at least 90 percent of the share of net toll
761 collections attributable to users of the turnpike system in
762 Miami-Dade County, Broward County, and Palm Beach County as
763 compared to total net toll collections attributable to users of
764 the turnpike system. ~~The requirements of~~ This subsection does ~~de~~
765 not apply when the application of such requirements would
766 violate any covenant established in a resolution or trust
767 indenture relating to the issuance of turnpike bonds. The
768 department may at any time for economic considerations establish
769 lower temporary toll rates for a new or existing toll facility
770 for a period not to exceed 1 year, after which the toll rates
771 adopted pursuant to s. 120.54 shall become effective.

772 (b) The department shall also fix, adjust, charge, and
773 collect such amounts needed to cover the costs of administering
774 the different toll-collection and payment methods, and types of
775 accounts being offered and used, in the manner provided for in
776 s. 120.54 which will provide for public notice and the
777 opportunity for a public hearing before adoption. Such amounts
778 may stand alone, be incorporated in a toll rate structure, or be
779 a combination of the two.

780 (4)-(5) When bonds are outstanding which have been issued to
781 finance or refinance any turnpike project, the tolls and all
782 other revenues derived from the turnpike system and pledged to
783 such bonds shall be set aside as may be provided in the

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784 resolution authorizing the issuance of such bonds or the trust
785 agreement securing the same. The tolls or other revenues or
786 other moneys so pledged and thereafter received by the
787 department are immediately subject to the lien of such pledge
788 without any physical delivery thereof or further act. The lien
789 of any such pledge is valid and binding as against all parties
790 having claims of any kind in tort or contract or otherwise
791 against the department irrespective of whether such parties have
792 notice thereof. Neither the resolution nor any trust agreement
793 by which a pledge is created need be filed or recorded except in
794 the records of the department.

795 (5)~~(6)~~ In each fiscal year while any of the bonds of the
796 Broward County Expressway Authority series 1984 and series 1986-
797 A remain outstanding, the department is authorized to pledge
798 revenues from the turnpike system to the payment of principal
799 and interest of such series of bonds and the operation and
800 maintenance expenses of the Sawgrass Expressway, to the extent
801 gross toll revenues of the Sawgrass Expressway are insufficient
802 to make such payments. The terms of an agreement relative to the
803 pledge of turnpike system revenue will be negotiated with the
804 parties of the 1984 and 1986 Broward County Expressway Authority
805 lease-purchase agreements, and subject to the covenants of those
806 agreements. The agreement must ~~shall~~ establish that the Sawgrass
807 Expressway is ~~shall be~~ subject to the planning, management, and
808 operating control of the department limited only by the terms of
809 the lease-purchase agreements. The department shall provide for
810 the payment of operation and maintenance expenses of the
811 Sawgrass Expressway until such agreement is in effect. This
812 pledge of turnpike system revenues is ~~shall be~~ subordinate to

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813 the debt service requirements of any future issue of turnpike
814 bonds, the payment of turnpike system operation and maintenance
815 expenses, and subject to ~~provisions of~~ any subsequent resolution
816 or trust indenture relating to the issuance of such turnpike
817 bonds.

818 ~~(6)~~(7) The use and disposition of revenues pledged to bonds
819 are subject to ~~the provisions of~~ ss. 338.22-338.241 and such
820 regulations as the resolution authorizing the issuance of the
821 ~~such~~ bonds or such trust agreement may provide.

822 Section 15. Subsection (3) and paragraphs (b) and (c) of
823 subsection (4) of section 339.2816, Florida Statutes, are
824 amended to read:

825 339.2816 Small County Road Assistance Program.—

826 (3) Beginning with fiscal year 1999-2000 until fiscal year
827 2009-2010, and beginning again with fiscal year 2012-2013, up to
828 \$25 million annually from the State Transportation Trust Fund
829 may be used for the purposes of funding the Small County Road
830 Assistance Program as described in this section.

831 (4)

832 (b) In determining a county's eligibility for assistance
833 under this program, the department may consider whether the
834 county has attempted to keep county roads in satisfactory
835 condition, including the amount of local option fuel tax ~~and ad~~
836 ~~valorem millage rate~~ imposed by the county. The department may
837 also consider the extent to which the county has offered to
838 provide a match of local funds with state funds provided under
839 the program. At a minimum, small counties shall be eligible only
840 if:

841 ~~1.~~ the county has enacted the maximum rate of the local

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842 option fuel tax authorized by s. 336.025(1) (a), ~~and has imposed~~
 843 ~~an ad valorem millage rate of at least 8 mills; or~~

844 ~~2. The county has imposed an ad valorem millage rate of 10~~
 845 ~~mills.~~

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

848 1. The primary criterion is the physical condition of the
 849 road as measured by the department.

850 2. As secondary criteria the department may consider:

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

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

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

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

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

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

860 Section 16. Paragraph (c) of subsection (4) of section
 861 348.0003, Florida Statutes, is amended to read:

862 348.0003 Expressway authority; formation; membership.-

863 (4)

864 (c) Members of each expressway an authority, transportation
 865 authority, bridge authority, or toll authority, created pursuant
 866 to this chapter, chapter 343, or chapter 349 or any other
 867 legislative enactment shall be required to comply with the
 868 applicable financial disclosure requirements of s. 8, Art. II of
 869 the State Constitution. This paragraph does not subject any
 870 statutorily created authority, other than an expressway

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871 authority created under this part, to any other requirement of
872 this part except the requirement of this paragraph.

873 Section 17. Subsection (1) of section 479.01, Florida
874 Statutes, is amended to read:

875 479.01 Definitions.—As used in this chapter, the term:

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

881 Section 18. Subsections (1), (5), and (9) of section
882 479.07, Florida Statutes, are amended to read:

883 479.07 Sign permits.—

884 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
885 person may not erect, operate, use, or maintain, or cause to be
886 erected, operated, used, or maintained, any sign on the State
887 Highway System outside an urban incorporated area, as defined in
888 s. 334.03(32), or on any portion of the interstate or federal-
889 aid primary highway system without first obtaining a permit for
890 the sign from the department and paying the annual fee as
891 provided in this section. As used in ~~For purposes of~~ this
892 section, the term "on any portion of the State Highway System,
893 interstate, or federal-aid primary system" means ~~shall mean~~ a
894 sign located within the controlled area which is visible from
895 any portion of the main-traveled way of such system.

896 (5)(a) For each permit issued, the department shall furnish
897 to the applicant a serially numbered permanent metal permit tag.
898 The permittee is responsible for maintaining a valid permit tag
899 on each permitted sign facing at all times. The tag shall be

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900 securely attached to the sign facing or, if there is no facing,
901 on the pole nearest the highway; and it shall be attached in
902 such a manner as to be plainly visible from the main-traveled
903 way. Effective July 1, 2011, the tag must be securely attached
904 to the upper 50 percent of the pole nearest the highway and must
905 be attached in such a manner as to be plainly visible from the
906 main-traveled way. The permit becomes ~~will become~~ void unless
907 the permit tag is properly and permanently displayed at the
908 permitted site within 30 days after the date of permit issuance.
909 If the permittee fails to erect a completed sign on the
910 permitted site within 270 days after the date on which the
911 permit was issued, the permit will be void, and the department
912 may not issue a new permit to that permittee for the same
913 location for 270 days after the date on which the permit became
914 void.

915 (b) If a permit tag is lost, stolen, or destroyed, the
916 permittee to whom the tag was issued must apply to the
917 department for a replacement tag. The department shall adopt a
918 rule establishing a service fee for replacement tags in an
919 amount that will recover the actual cost of providing the
920 replacement tag. Upon receipt of the application accompanied by
921 the a service fee of \$3, the department shall issue a
922 replacement permit tag. Alternatively, the permittee may provide
923 its own replacement tag pursuant to department specifications
924 that the department shall adopt by rule at the time it
925 establishes the service fee for replacement tags.

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

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929 1. One thousand five hundred feet from any other permitted
930 sign on the same side of the highway, if on an interstate
931 highway.

932 2. One thousand feet from any other permitted sign on the
933 same side of the highway, if on a federal-aid primary highway.
934

935 The minimum spacing provided in this paragraph does not preclude
936 the permitting of V-type, back-to-back, side-to-side, stacked,
937 or double-faced signs at the permitted sign site. If a sign is
938 visible from the controlled area of more than one highway
939 subject to the jurisdiction of the department, the sign shall
940 meet the permitting requirements of, and, if the sign meets the
941 applicable permitting requirements, be permitted to, the highway
942 having the more stringent permitting requirements.

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

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

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

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

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

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

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

966 3. The local government notifies the department of its
967 intention to allow such removal and replacement as agreed upon
968 pursuant to subparagraph 2.

969

970 The department shall maintain statistics tracking the use of the
971 provisions of this pilot program based on the notifications
972 received by the department from local governments under this
973 paragraph.

974 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
975 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
976 1984, to become nonconforming.

977 Section 19. Section 479.08, Florida Statutes, is amended to
978 read:

979 479.08 Denial or revocation of permit.—The department may
980 ~~has the authority to~~ deny or revoke any permit requested or
981 granted under this chapter in any case in which it determines
982 that the application for the permit contains knowingly false or
983 misleading information. The department may revoke any permit
984 granted under this chapter in any case in which ~~or that~~ the
985 permittee has violated any of the provisions of this chapter,
986 unless such permittee, within 30 days after the receipt of

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987 notice by the department, ~~corrects such false or misleading~~
988 ~~information and~~ complies with the provisions of this chapter.
989 For the purpose of this section, the notice of violation issued
990 by the department must describe in detail the alleged violation.
991 Any person aggrieved by any action of the department in denying
992 or revoking a permit under this chapter may, within 30 days
993 after receipt of the notice, apply to the department for an
994 administrative hearing pursuant to chapter 120. If a timely
995 request for hearing has been filed and the department issues a
996 final order revoking a permit, such revocation shall be
997 effective 30 days after the date of rendition. Except for
998 department action pursuant to s. 479.107(1), the filing of a
999 timely and proper notice of appeal shall operate to stay the
1000 revocation until the department's action is upheld.

1001 Section 20. Section 479.156, Florida Statutes, is amended
1002 to read:

1003 479.156 Wall murals.—Notwithstanding any other provision of
1004 this chapter, a municipality or county may permit and regulate
1005 wall murals within areas designated by such government.

1006 (1) If a municipality or county permits wall murals, a wall
1007 mural that displays a commercial message and is within 660 feet
1008 of the nearest edge of the right-of-way within an area adjacent
1009 to the interstate highway system or the federal-aid primary
1010 highway system must ~~shall~~ be located in an area that is zoned
1011 for industrial or commercial use. ~~and~~ The municipality or county
1012 shall establish and enforce regulations for such areas which
1013 ~~that~~, at a minimum, set forth criteria governing the size,
1014 lighting, and spacing of wall murals consistent with the intent
1015 of the Highway Beautification Act of 1965 and with customary

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1016 use.

1017 (a) A wall mural that is subject to municipal or county
1018 regulation and the Highway Beautification Act of 1965 must be
1019 approved by the department ~~of Transportation~~ and the Federal
1020 Highway Administration and may not violate the agreement between
1021 the state and the United States Department of Transportation or
1022 violate federal regulations enforced by the department ~~of~~
1023 ~~Transportation~~ under s. 479.02(1).

1024 (b) If, pursuant to 23 U.S.C. s. 131(d) and 23 U.S.C. s.
1025 750.706(c), a municipality or county makes a determination of
1026 customary use, such determination shall be accepted in lieu of
1027 controls in the agreement between the state and the United
1028 States Department of Transportation, and the department shall
1029 notify the Federal Highway Administration.

1030 (2) The existence of a wall mural may ~~as defined in s.~~
1031 ~~479.01(27) shall~~ not be considered in determining whether a new
1032 or existing sign ~~as defined in s. 479.01(17), either existing or~~
1033 ~~new,~~ is in compliance with s. 479.07(9)(a).

1034 Section 21. Subsections (1), (3), (4), and (5) of section
1035 479.261, Florida Statutes, are amended to read:

1036 479.261 Logo sign program.—

1037 (1) The department shall establish a logo sign program for
1038 the rights-of-way of the interstate highway system to provide
1039 information to motorists about available gas, food, lodging, ~~and~~
1040 camping, attractions, and other services, as approved by the
1041 Federal Highway Administration, at interchanges, through the use
1042 of business logos, and may include additional interchanges under
1043 the program. ~~A logo sign for nearby attractions may be added to~~
1044 ~~this program if allowed by federal rules.~~

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1045 (a) An attraction as used in this chapter is defined as an
1046 establishment, site, facility, or landmark that ~~which~~ is open a
1047 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
1048 ~~an admission for entry; which~~ has as its principal focus family-
1049 oriented entertainment, cultural, educational, recreational,
1050 scientific, or historical activities; and that ~~which~~ is publicly
1051 recognized as a bona fide tourist attraction. ~~However, the~~
1052 ~~permits for businesses seeking to participate in the attractions~~
1053 ~~logo sign program shall be awarded by the department annually to~~
1054 ~~the highest bidders, notwithstanding the limitation on fees in~~
1055 ~~subsection (5), which are qualified for available space at each~~
1056 ~~qualified location, but the fees therefor may not be less than~~
1057 ~~the fees established for logo participants in other logo~~
1058 ~~categories.~~

1059 (b) The department shall incorporate the use of RV-friendly
1060 markers on specific information logo signs for establishments
1061 that cater to the needs of persons driving recreational
1062 vehicles. Establishments that qualify for participation in the
1063 specific information logo program and that also qualify as "RV-
1064 friendly" may request the RV-friendly marker on their specific
1065 information logo sign. An RV-friendly marker must consist of a
1066 design approved by the Federal Highway Administration. The
1067 department shall adopt rules in accordance with chapter 120 to
1068 administer this paragraph, including rules setting forth the
1069 minimum requirements that establishments must meet in order to
1070 qualify as RV-friendly. These requirements shall include large
1071 parking spaces, entrances, and exits that can easily accommodate
1072 recreational vehicles and facilities having appropriate overhead
1073 clearances, if applicable.

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1074 (c) The department may implement a 3-year rotation-based
1075 logo program providing for the removal and addition of
1076 participating businesses in the program.

1077 (3) Logo signs may be installed upon the issuance of an
1078 annual permit by the department or its agent and payment of a ~~an~~
1079 ~~application and~~ permit fee to the department or its agent.

1080 (4) The department may contract pursuant to s. 287.057 for
1081 the provision of services related to the logo sign program,
1082 including recruitment and qualification of businesses, review of
1083 applications, permit issuance, and fabrication, installation,
1084 and maintenance of logo signs. The department may reject all
1085 proposals and seek another request for proposals or otherwise
1086 perform the work. ~~If the department contracts for the provision~~
1087 ~~of services for the logo sign program, the contract must~~
1088 ~~require, unless the business owner declines, that businesses~~
1089 ~~that previously entered into agreements with the department to~~
1090 ~~privately fund logo sign construction and installation be~~
1091 ~~reimbursed by the contractor for the cost of the signs which has~~
1092 ~~not been recovered through a previously agreed upon waiver of~~
1093 ~~fees.~~ The contract also may allow the contractor to retain a
1094 portion of the annual fees as compensation for its services.

1095 (5) Permit fees for businesses that participate in the
1096 program must be established in an amount sufficient to offset
1097 the total cost to the department for the program, including
1098 contract costs. The department shall provide the services in the
1099 most efficient and cost-effective manner through department
1100 staff or by contracting for some or all of the services. The
1101 department shall adopt rules that set reasonable rates based
1102 upon factors such as population, traffic volume, market demand,

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1103 and costs for annual permit fees. However, annual permit fees
1104 for sign locations inside an urban area, as defined in s.
1105 334.03(32), may not exceed \$5,000, and annual permit fees for
1106 sign locations outside an urban area, as defined in s.
1107 334.03(32), may not exceed \$2,500. After recovering program
1108 costs, the proceeds from the logo program shall be deposited
1109 into the State Transportation Trust Fund and used for
1110 transportation purposes. ~~Such annual permit fee shall not exceed~~
1111 ~~\$1,250.~~

1112 Section 22. The Department of Transportation, in
1113 consultation with the Department of Law Enforcement, the
1114 Department of Environmental Protection, the Division of
1115 Emergency Management of the Department of Community Affairs, the
1116 Office of Tourism, Trade, and Economic Development, affected
1117 metropolitan planning organizations, and regional planning
1118 councils within whose jurisdictional area the I-95 corridor
1119 lies, shall complete a study of transportation alternatives for
1120 the travel corridor parallel to Interstate 95 which takes into
1121 account the transportation, emergency management, homeland
1122 security, and economic development needs of the state. The
1123 report must include identification of cost-effective measures
1124 that may be implemented to alleviate congestion on Interstate
1125 95, facilitate emergency and security responses, and foster
1126 economic development. The Department of Transportation shall
1127 send the report to the Governor, the President of the Senate,
1128 the Speaker of the House of Representatives, and each affected
1129 metropolitan planning organization by June 30, 2010.

1130 Section 23. (1) Part III of chapter 343, Florida Statutes,
1131 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,

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1132 343.76, and 343.77, is repealed.

1133 (2) Any assets or liabilities of the Tampa Bay Commuter
1134 Transit Authority are transferred to the Tampa Bay Area Regional
1135 Transportation Authority as created under s. 343.92, Florida
1136 Statutes.

1137 Section 24. This act shall take effect July 1, 2009.