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

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30 funds for the period of the remaining outstanding
31 debt; requiring local transportation concurrency
32 backlog trust funds to continue to be funded for
33 certain purposes; providing for increased ad valorem
34 tax increment funding for such trust funds under
35 certain circumstances; revising provisions for
36 dissolution of an authority; amending s. 337.11, F.S.;
37 providing for the department to pay a portion of
38 certain proposal development costs; requiring the
39 department to advertise certain contracts as design-
40 build contracts; amending s. 337.18, F.S.; requiring
41 the contractor to maintain a copy of the required
42 payment and performance bond at certain locations and
43 provide a copy upon request; providing that a copy may
44 be obtained directly from the department; removing a
45 provision requiring that a copy be recorded in the
46 public records of the county; amending s. 337.185,
47 F.S.; providing for the State Arbitration Board to
48 arbitrate certain claims relating to maintenance
49 contracts; providing for a member of the board to be
50 elected by maintenance companies as well as
51 construction companies; amending s. 337.403, F.S.;
52 providing for the department or local governmental
53 entity to pay certain costs of removal or relocation
54 of a utility facility that is found to be interfering
55 with the use, maintenance, improvement, extension, or
56 expansion of a public road or publicly owned rail
57 corridor under described circumstances; amending s.
58 337.408, F.S.; providing for public pay telephones and

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59 advertising thereon to be installed within the right-
60 of-way limits of any municipal, county, or state road;
61 amending s. 338.01, F.S.; requiring new and
62 replacement electronic toll collection systems to be
63 interoperable with the department's system; amending
64 s. 338.165, F.S.; providing that provisions requiring
65 the continuation of tolls following the discharge of
66 bond indebtedness does not apply to high-occupancy
67 toll lanes or express lanes; creating s. 338.166,
68 F.S.; authorizing the department to request that bonds
69 be issued which are secured by toll revenues from
70 high-occupancy toll or express lanes in a specified
71 location; providing for the department to continue to
72 collect tolls after discharge of indebtedness;
73 authorizing the use of excess toll revenues for
74 improvements to the State Highway System; authorizing
75 the implementation of variable rate tolls on high-
76 occupancy toll lanes or express lanes; amending s.
77 338.2216, F.S.; directing the Florida Turnpike
78 Enterprise to implement new technologies and processes
79 in its operations and collection of tolls and other
80 amounts; amending s. 338.231, F.S.; revising
81 provisions for establishing and collecting tolls;
82 authorizing the collection of amounts to cover costs
83 of toll collection and payment methods; requiring
84 public notice and hearing; amending s. 339.12, F.S.;
85 revising requirements for aid and contributions by
86 governmental entities for transportation projects;
87 revising limits under which the department may enter

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88 into an agreement with a county for a project or
89 project phase not in the adopted work program;
90 authorizing the department to enter into certain long-
91 term repayment agreements; amending s. 339.135, F.S.;
92 revising certain notice provisions that require the
93 Department of Transportation to notify local
94 governments regarding amendments to an adopted 5-year
95 work program; amending s. 339.2816, F.S., relating to
96 the small county road assistance program; providing
97 for resumption of certain funding for the program;
98 revising the criteria for counties eligible to
99 participate in the program; amending s. 348.0003,
100 F.S.; requiring transportation, bridge, and toll
101 authorities to comply with the financial disclosure
102 requirements of the State Constitution; amending s.
103 479.01, F.S.; revising provisions for outdoor
104 advertising; revising the definition of the term
105 "automatic changeable facing"; amending s. 479.07,
106 F.S.; revising a prohibition against signs on the
107 State Highway System; revising requirements for
108 display of the sign permit tag; directing the
109 department to establish by rule a fee for furnishing a
110 replacement permit tag; revising the pilot project for
111 permitted signs to include Hillsborough County and
112 areas within the boundaries of the City of Miami;
113 amending s. 479.08, F.S.; revising provisions for
114 denial or revocation of a sign permit; amending s.
115 479.156, F.S.; clarifying that a municipality or
116 county is authorized to make a determination of

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117 customary use with respect to regulations governing
118 commercial wall murals and that such determination
119 must be accepted in lieu of any agreement between the
120 state and the United States Department of
121 Transportation; amending s. 479.261, F.S.; revising
122 requirements for the logo sign program of the
123 interstate highway system; deleting provisions
124 providing for permits to be awarded to the highest
125 bidders; requiring the department to implement a
126 rotation-based logo program; requiring the department
127 to adopt rules that set reasonable rates based on
128 certain factors for annual permit fees; requiring that
129 such fees not exceed a certain amount for sign
130 locations inside and outside an urban area; requiring
131 the department to conduct a study of transportation
132 alternatives for the Interstate 95 corridor and report
133 to the Governor, the Legislature, and the affected
134 metropolitan planning organizations; repealing part
135 III of ch. 343 F.S., relating to the Tampa Bay
136 Commuter Transit Authority; transferring any assets to
137 the Tampa Bay Area Regional Transportation Authority;
138 providing an effective date.
139
140 Be It Enacted by the Legislature of the State of Florida:
141
142 Section 1. Paragraph (h) of subsection (2) of section
143 20.23, Florida Statutes, is amended to read:
144 20.23 Department of Transportation.—There is created a
145 Department of Transportation which shall be a decentralized

146 agency.
147 (2)
148 (h) The commission shall appoint an executive director and
149 assistant executive director, who shall serve under the
150 direction, supervision, and control of the commission. The
151 executive director, with the consent of the commission, shall
152 employ such staff as are necessary to perform adequately the
153 functions of the commission, within budgetary limitations. All
154 employees of the commission are exempt from part II of chapter
155 110 and shall serve at the pleasure of the commission. The
156 salary and benefits of the executive director shall be in
157 accordance with Senior Management Service, and the salaries and
158 benefits of all other employees of the commission shall be ~~set~~
159 in accordance with the Selected Exempt Service.~~; provided,~~
160 However, ~~that~~ the commission shall fix ~~have complete authority~~
161 ~~for fixing~~ the salary of the executive director and assistant
162 executive director.
163 Section 2. Section 120.52, Florida Statutes, is amended to
164 read:
165 120.52 Definitions.—As used in this act:
166 (1) "Agency" means:
167 (a) The Governor in the exercise of all executive powers
168 other than those derived from the constitution.
169 (b) Each:
170 1. State officer and state department, and each
171 departmental unit described in s. 20.04.
172 2. Authority, including a regional water supply authority.
173 3. Board, including the Board of Governors of the State
174 University System and a state university board of trustees when

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175 acting pursuant to statutory authority derived from the
176 Legislature.
177 4. Commission, including the Commission on Ethics and the
178 Fish and Wildlife Conservation Commission when acting pursuant
179 to statutory authority derived from the Legislature.
180 5. Regional planning agency.
181 6. Multicounty special district with a majority of its
182 governing board comprised of nonelected persons.
183 7. Educational units.
184 8. Entity described in chapters 163, 373, 380, and 582 and
185 s. 186.504.
186 (c) Each other unit of government in the state, including
187 counties and municipalities, to the extent they are expressly
188 made subject to this act by general or special law or existing
189 judicial decisions.
190
191 This definition does not include any legal entity or agency
192 created in whole or in part pursuant to chapter 361, part II,
193 any metropolitan planning organization created pursuant to s.
194 339.175, any separate legal or administrative entity created
195 pursuant to s. 339.175 of which a metropolitan planning
196 organization is a member, an expressway authority pursuant to
197 chapter 348 or any transportation authority under chapter 343 or
198 chapter 349, any legal or administrative entity created by an
199 interlocal agreement pursuant to s. 163.01(7), unless any party
200 to such agreement is otherwise an agency as defined in this
201 subsection, or any multicounty special district with a majority
202 of its governing board comprised of elected persons; however,
203 this definition shall include a regional water supply authority.

204 Section 3. Subsection (5) of section 125.42, Florida
205 Statutes, is amended to read:
206 125.42 Water, sewage, gas, power, telephone, other utility,
207 and television lines along county roads and highways.—
208 (5) In the event of widening, repair, or reconstruction of
209 any such road, the licensee shall move or remove such water,
210 sewage, gas, power, telephone, and other utility lines and
211 television lines at no cost to the county, except as provided in
212 s. 337.403(1)(e).
213 Section 4. Paragraphs (a), (h), and (j) of subsection (6)
214 of section 163.3177, Florida Statutes, are amended to read:
215 163.3177 Required and optional elements of comprehensive
216 plan; studies and surveys.—
217 (6) In addition to the requirements of subsections (1)-(5)
218 and (12), the comprehensive plan shall include the following
219 elements:
220 (a) A future land use plan element designating proposed
221 future general distribution, location, and extent of the uses of
222 land for residential uses, commercial uses, industry,
223 agriculture, recreation, conservation, education, public
224 buildings and grounds, other public facilities, and other
225 categories of the public and private uses of land. Counties are
226 encouraged to designate rural land stewardship areas, pursuant
227 to ~~the provisions of~~ paragraph (11)(d), as overlays on the
228 future land use map. Each future land use category must be
229 defined in terms of uses included, and must include standards to
230 be followed in the control and distribution of population
231 densities and building and structure intensities. The proposed
232 distribution, location, and extent of the various categories of

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233 land use shall be shown on a land use map or map series which
234 shall be supplemented by goals, policies, and measurable
235 objectives. The future land use plan shall be based upon
236 surveys, studies, and data regarding the area, including the
237 amount of land required to accommodate anticipated growth; the
238 projected population of the area; the character of undeveloped
239 land; the availability of water supplies, public facilities, and
240 services; the need for redevelopment, including the renewal of
241 blighted areas and the elimination of nonconforming uses which
242 are inconsistent with the character of the community; the
243 compatibility of uses on lands adjacent to or closely proximate
244 to military installations; lands adjacent to an airport as
245 defined in s. 330.35 and consistent with s. 333.02; the
246 discouragement of urban sprawl; energy-efficient land use
247 patterns accounting for existing and future electric power
248 generation and transmission systems; greenhouse gas reduction
249 strategies; and, in rural communities, the need for job
250 creation, capital investment, and economic development that will
251 strengthen and diversify the community’s economy. The future
252 land use plan may designate areas for future planned development
253 use involving combinations of types of uses for which special
254 regulations may be necessary to ensure development in accord
255 with the principles and standards of the comprehensive plan and
256 this act. The future land use plan element shall include
257 criteria to be used to achieve the compatibility of lands
258 adjacent or closely proximate to ~~lands with~~ military
259 installations, and lands adjacent to an airport as defined in s.
260 330.35 and consistent with s. 333.02. In addition, for rural
261 communities, the amount of land designated for future planned

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262 industrial use shall be based upon surveys and studies that
263 reflect the need for job creation, capital investment, and the
264 necessity to strengthen and diversify the local economies, and
265 may ~~shall~~ not be limited solely by the projected population of
266 the rural community. The future land use plan of a county may
267 also designate areas for possible future municipal
268 incorporation. The land use maps or map series shall generally
269 identify and depict historic district boundaries and shall
270 designate historically significant properties meriting
271 protection. For coastal counties, the future land use element
272 must include, without limitation, regulatory incentives and
273 criteria that encourage the preservation of recreational and
274 commercial working waterfronts as defined in s. 342.07. The
275 future land use element must clearly identify the land use
276 categories in which public schools are an allowable use. When
277 delineating the land use categories in which public schools are
278 an allowable use, a local government shall include in the
279 categories sufficient land proximate to residential development
280 to meet the projected needs for schools in coordination with
281 public school boards and may establish differing criteria for
282 schools of different type or size. Each local government shall
283 include lands contiguous to existing school sites, to the
284 maximum extent possible, within the land use categories in which
285 public schools are an allowable use. The failure by a local
286 government to comply with these school siting requirements will
287 result in the prohibition of the local government's ability to
288 amend the local comprehensive plan, except for plan amendments
289 described in s. 163.3187(1)(b), until the school siting
290 requirements are met. Amendments proposed by a local government

291 for purposes of identifying the land use categories in which
292 public schools are an allowable use are exempt from the
293 limitation on the frequency of plan amendments contained in s.
294 163.3187. The future land use element shall include criteria
295 that encourage the location of schools proximate to urban
296 residential areas to the extent possible and shall require that
297 the local government seek to collocate public facilities, such
298 as parks, libraries, and community centers, with schools to the
299 extent possible and to encourage the use of elementary schools
300 as focal points for neighborhoods. For schools serving
301 predominantly rural counties, defined as a county with a
302 population of 100,000 or fewer, an agricultural land use
303 category is ~~shall be~~ eligible for the location of public school
304 facilities if the local comprehensive plan contains school
305 siting criteria and the location is consistent with such
306 criteria. Local governments required to update or amend their
307 comprehensive plan to include criteria and address compatibility
308 of lands adjacent or closely proximate to ~~lands with~~ existing
309 military installations, or lands adjacent to an airport as
310 defined in s. 330.35 and consistent with s. 333.02, in their
311 future land use plan element shall transmit the update or
312 amendment to the state land planning agency ~~department~~ by June
313 30, 2012 ~~2006~~.
314 (h)1. An intergovernmental coordination element showing
315 relationships and stating principles and guidelines to be used
316 in the accomplishment of coordination of the adopted
317 comprehensive plan with the plans of school boards, regional
318 water supply authorities, and other units of local government
319 providing services but not having regulatory authority over the

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320 use of land, with the comprehensive plans of adjacent
321 municipalities, the county, adjacent counties, or the region,
322 with the state comprehensive plan and with the applicable
323 regional water supply plan approved pursuant to s. 373.0361, as
324 the case may require and as such adopted plans or plans in
325 preparation may exist. This element of the local comprehensive
326 plan shall demonstrate consideration of the particular effects
327 of the local plan, when adopted, upon the development of
328 adjacent municipalities, the county, adjacent counties, or the
329 region, or upon the state comprehensive plan, as the case may
330 require.
331 a. The intergovernmental coordination element shall provide
332 ~~for~~ procedures to identify and implement joint planning areas,
333 especially for the purpose of annexation, municipal
334 incorporation, and joint infrastructure service areas.
335 b. The intergovernmental coordination element shall provide
336 for recognition of campus master plans prepared pursuant to s.
337 1013.30 and airport master plans under paragraph (k).
338 c. The intergovernmental coordination element may provide
339 for a voluntary dispute resolution process as established
340 pursuant to s. 186.509 for bringing to closure in a timely
341 manner intergovernmental disputes. A local government may
342 develop and use an alternative local dispute resolution process
343 for this purpose.
344 d. The intergovernmental coordination element shall provide
345 for interlocal agreements as established pursuant to s.
346 333.03(1)(b).
347 2. The intergovernmental coordination element shall further
348 state principles and guidelines to be used in the accomplishment

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349 of coordination of the adopted comprehensive plan with the plans
350 of school boards and other units of local government providing
351 facilities and services but not having regulatory authority over
352 the use of land. In addition, the intergovernmental coordination
353 element shall describe joint processes for collaborative
354 planning and decisionmaking on population projections and public
355 school siting, the location and extension of public facilities
356 subject to concurrency, and siting facilities with countywide
357 significance, including locally unwanted land uses whose nature
358 and identity are established in an agreement. Within 1 year of
359 adopting their intergovernmental coordination elements, each
360 county, all the municipalities within that county, the district
361 school board, and any unit of local government service providers
362 in that county shall establish by interlocal or other formal
363 agreement executed by all affected entities, the joint processes
364 described in this subparagraph consistent with their adopted
365 intergovernmental coordination elements.
366 3. To foster coordination between special districts and
367 local general-purpose governments as local general-purpose
368 governments implement local comprehensive plans, each
369 independent special district must submit a public facilities
370 report to the appropriate local government as required by s.
371 189.415.
372 4.a. Local governments shall ~~must~~ execute an interlocal
373 agreement with the district school board, the county, and
374 nonexempt municipalities pursuant to s. 163.31777. The local
375 government shall amend the intergovernmental coordination
376 element to provide that coordination between the local
377 government and school board is pursuant to the agreement and

378 shall state the obligations of the local government under the
379 agreement.
380 b. Plan amendments that comply with this subparagraph are
381 exempt from the provisions of s. 163.3187(1).
382 5. The state land planning agency shall establish a
383 schedule for phased completion and transmittal of plan
384 amendments to implement subparagraphs 1., 2., and 3. from all
385 jurisdictions so as to accomplish their adoption by December 31,
386 1999. A local government may complete and transmit its plan
387 amendments to carry out these provisions prior to the scheduled
388 date established by the state land planning agency. The plan
389 amendments are exempt from the provisions of s. 163.3187(1).
390 6. By January 1, 2004, any county having a population
391 greater than 100,000, and the municipalities and special
392 districts within that county, shall submit a report to the
393 Department of Community Affairs which:
394 a. Identifies all existing or proposed interlocal service
395 delivery agreements regarding the following: education; sanitary
396 sewer; public safety; solid waste; drainage; potable water;
397 parks and recreation; and transportation facilities.
398 b. Identifies any deficits or duplication in the provision
399 of services within its jurisdiction, whether capital or
400 operational. Upon request, the Department of Community Affairs
401 shall provide technical assistance to the local governments in
402 identifying deficits or duplication.
403 7. Within 6 months after submission of the report, the
404 Department of Community Affairs shall, through the appropriate
405 regional planning council, coordinate a meeting of all local
406 governments within the regional planning area to discuss the

407 reports and potential strategies to remedy any identified
408 deficiencies or duplications.
409 8. Each local government shall update its intergovernmental
410 coordination element based upon the findings in the report
411 submitted pursuant to subparagraph 6. The report may be used as
412 supporting data and analysis for the intergovernmental
413 coordination element.
414 (j) For each unit of local government within an urbanized
415 area designated for purposes of s. 339.175, a transportation
416 element, which must ~~shall~~ be prepared and adopted in lieu of the
417 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
418 and (d) and which shall address the following issues:
419 1. Traffic circulation, including major thoroughfares and
420 other routes, including bicycle and pedestrian ways.
421 2. All alternative modes of travel, such as public
422 transportation, pedestrian, and bicycle travel.
423 3. Parking facilities.
424 4. Aviation, rail, seaport facilities, access to those
425 facilities, and intermodal terminals.
426 5. The availability of facilities and services to serve
427 existing land uses and the compatibility between future land use
428 and transportation elements.
429 6. The capability to evacuate the coastal population prior
430 to an impending natural disaster.
431 7. Airports, projected airport and aviation development,
432 and land use compatibility around airports, which includes areas
433 defined in ss. 333.01 and 333.02.
434 8. An identification of land use densities, building
435 intensities, and transportation management programs to promote

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436 public transportation systems in designated public
437 transportation corridors so as to encourage population densities
438 sufficient to support such systems.
439 9. May include transportation corridors, as defined in s.
440 334.03, intended for future transportation facilities designated
441 pursuant to s. 337.273. If transportation corridors are
442 designated, the local government may adopt a transportation
443 corridor management ordinance.
444 10. The incorporation of transportation strategies to
445 address reduction in greenhouse gas emissions from the
446 transportation sector.
447 Section 5. Subsection (3) of section 163.3178, Florida
448 Statutes, is amended to read:
449 163.3178 Coastal management.—
450 (3) Expansions to port harbors, spoil disposal sites,
451 navigation channels, turning basins, harbor berths, and other
452 related inwater harbor facilities of ports listed in s.
453 403.021(9); port transportation facilities and projects listed
454 in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities
455 identified pursuant to s. 311.09(3); and facilities determined
456 by the Department of Community Affairs and applicable general-
457 purpose local government to be port-related industrial or
458 commercial projects located within 3 miles of or in a port
459 master plan area which rely upon the use of port and intermodal
460 transportation facilities shall not be designated as
461 developments of regional impact if ~~where~~ such expansions,
462 projects, or facilities are consistent with comprehensive master
463 plans that are in compliance with this section.
464 Section 6. Paragraph (c) is added to subsection (2) of

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465 section 163.3182, Florida Statutes, and paragraph (d) of
466 subsection (3) and subsections (4), (5), and (8) of that section
467 are amended, to read:
468 163.3182 Transportation concurrency backlogs.—
469 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
470 AUTHORITIES.—
471 (c) The Legislature finds and declares that there exists in
472 many counties and municipalities areas that have significant
473 transportation deficiencies and inadequate transportation
474 facilities; that many insufficiencies and inadequacies severely
475 limit or prohibit the satisfaction of transportation concurrency
476 standards; that the transportation insufficiencies and
477 inadequacies affect the health, safety, and welfare of the
478 residents of these counties and municipalities; that the
479 transportation insufficiencies and inadequacies adversely affect
480 economic development and growth of the tax base for the areas in
481 which these insufficiencies and inadequacies exist; and that the
482 elimination of transportation deficiencies and inadequacies and
483 the satisfaction of transportation concurrency standards are
484 paramount public purposes for the state and its counties and
485 municipalities.
486 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
487 AUTHORITY.—Each transportation concurrency backlog authority has
488 the powers necessary or convenient to carry out the purposes of
489 this section, including the following powers in addition to
490 others granted in this section:
491 (d) To borrow money, including, but not limited to, issuing
492 debt obligations such as, but not limited to, bonds, notes,
493 certificates, and similar debt instruments; to apply for and

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494 accept advances, loans, grants, contributions, and any other
495 forms of financial assistance from the Federal Government or the
496 state, county, or any other public body or from any sources,
497 public or private, for the purposes of this part; to give such
498 security as may be required; to enter into and carry out
499 contracts or agreements; and to include in any contracts for
500 financial assistance with the Federal Government for or with
501 respect to a transportation concurrency backlog project and
502 related activities such conditions imposed under ~~pursuant to~~
503 federal laws as the transportation concurrency backlog authority
504 considers reasonable and appropriate and which are not
505 inconsistent with the purposes of this section.
506 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—
507 (a) Each transportation concurrency backlog authority shall
508 adopt a transportation concurrency backlog plan as a part of the
509 local government comprehensive plan within 6 months after the
510 creation of the authority. The plan must ~~shall~~:
511 1. Identify all transportation facilities that have been
512 designated as deficient and require the expenditure of moneys to
513 upgrade, modify, or mitigate the deficiency.
514 2. Include a priority listing of all transportation
515 facilities that have been designated as deficient and do not
516 satisfy concurrency requirements pursuant to s. 163.3180, and
517 the applicable local government comprehensive plan.
518 3. Establish a schedule for financing and construction of
519 transportation concurrency backlog projects that will eliminate
520 transportation concurrency backlogs within the jurisdiction of
521 the authority within 10 years after the transportation
522 concurrency backlog plan adoption. The schedule shall be adopted

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523 as part of the local government comprehensive plan.
524 (b) The adoption of the transportation concurrency backlog
525 plan shall be exempt from the provisions of s. 163.3187(1).
526
527 Notwithstanding such schedule requirements, as long as the
528 schedule provides for the elimination of all transportation
529 concurrency backlogs within 10 years after the adoption of the
530 concurrency backlog plan, the final maturity date of any debt
531 incurred to finance or refinance the related projects may be no
532 later than 40 years after the date the debt is incurred and the
533 authority may continue operations and administer the trust fund
534 established as provided in subsection (5) for as long as the
535 debt remains outstanding.
536 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
537 concurrency backlog authority shall establish a local
538 transportation concurrency backlog trust fund upon creation of
539 the authority. Each local trust fund shall be administered by
540 the transportation concurrency backlog authority within which a
541 transportation concurrency backlog has been identified. Each
542 local trust fund must continue to be funded under this section
543 for as long as the projects set forth in the related
544 transportation concurrency backlog plan remain to be completed
545 or until any debt incurred to finance or refinance the related
546 projects are no longer outstanding, whichever occurs later.
547 Beginning in the first fiscal year after the creation of the
548 authority, each local trust fund shall be funded by the proceeds
549 of an ad valorem tax increment collected within each
550 transportation concurrency backlog area to be determined
551 annually and shall be a minimum of 25 percent of the difference

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552 between the amounts set forth in paragraphs (a) and (b), except
553 that if all of the affected taxing authorities agree under an
554 interlocal agreement, a particular local trust fund may be
555 funded by the proceeds of an ad valorem tax increment greater
556 than 25 percent of the difference between the amounts set forth
557 in paragraphs (a) and (b):
558 (a) The amount of ad valorem tax levied each year by each
559 taxing authority, exclusive of any amount from any debt service
560 millage, on taxable real property contained within the
561 jurisdiction of the transportation concurrency backlog authority
562 and within the transportation backlog area; and
563 (b) The amount of ad valorem taxes which would have been
564 produced by the rate upon which the tax is levied each year by
565 or for each taxing authority, exclusive of any debt service
566 millage, upon the total of the assessed value of the taxable
567 real property within the transportation concurrency backlog area
568 as shown on the most recent assessment roll used in connection
569 with the taxation of such property of each taxing authority
570 prior to the effective date of the ordinance funding the trust
571 fund.
572 (8) DISSOLUTION.—Upon completion of all transportation
573 concurrency backlog projects and repayment or defeasance of all
574 debt issued to finance or refinance such projects, a
575 transportation concurrency backlog authority shall be dissolved,
576 and its assets and liabilities ~~shall be~~ transferred to the
577 county or municipality within which the authority is located.
578 All remaining assets of the authority must be used for
579 implementation of transportation projects within the
580 jurisdiction of the authority. The local government

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581 comprehensive plan shall be amended to remove the transportation
582 concurrency backlog plan.
583 Section 7. Subsection (7) of section 337.11, Florida
584 Statutes, is amended, present subsections (8) through (15) of
585 that section are renumbered as subsections (9) through (16),
586 respectively, and a new subsection (8) is added to that section,
587 to read:
588 337.11 Contracting authority of department; bids; emergency
589 repairs, supplemental agreements, and change orders; combined
590 design and construction contracts; progress payments; records;
591 requirements of vehicle registration.—
592 (7)(a) If ~~the head of~~ the department determines that it is
593 in the best interests of the public, the department may combine
594 the design and construction phases of a building, a major
595 bridge, a limited access facility, or a rail corridor project
596 into a single contract. Such contract is referred to as a
597 design-build contract. Design-build contracts may be advertised
598 and awarded notwithstanding the requirements of paragraph
599 (3)(c). However, construction activities may not begin on any
600 portion of such projects for which the department has not yet
601 obtained title to the necessary rights-of-way and easements for
602 the construction of that portion of the project has vested in
603 the state or a local governmental entity and all railroad
604 crossing and utility agreements have been executed. Title to
605 rights-of-way shall be deemed to have vested in the state when
606 the title has been dedicated to the public or acquired by
607 prescription.
608 (b) The department shall adopt by rule procedures for
609 administering design-build contracts. Such procedures shall

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610 include, but not be limited to:
611 1. Prequalification requirements.
612 2. Public announcement procedures.
613 3. Scope of service requirements.
614 4. Letters of interest requirements.
615 5. Short-listing criteria and procedures.
616 6. Bid proposal requirements.
617 7. Technical review committee.
618 8. Selection and award processes.
619 9. Stipend requirements.
620 (c) The department must receive at least three letters of
621 interest in order to proceed with a request for proposals. The
622 department shall request proposals from no fewer than three of
623 the design-build firms submitting letters of interest. If a
624 design-build firm withdraws from consideration after the
625 department requests proposals, the department may continue if at
626 least two proposals are received.
627 (8) If the department determines that it is in the best
628 interest of the public, the department may pay a stipend to
629 nonselected design-build firms that have submitted responsive
630 proposals for construction contracts. The decision and amount of
631 a stipend shall be based upon department analysis of the
632 estimated proposal development costs and the anticipated degree
633 of engineering design during the procurement process. The
634 department retains the right to use those designs from
635 responsive nonselected design-build firms that accept a stipend.
636 Section 8. Paragraph (b) of subsection (1) of section
637 337.18, Florida Statutes, is amended to read:
638 337.18 Surety bonds for construction or maintenance

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639 contracts; requirement with respect to contract award; bond
640 requirements; defaults; damage assessments.—
641 (1)
642 (b) Before beginning any work under the contract, the
643 contractor shall maintain a copy of the payment and performance
644 bond required under this section at its principal place of
645 business and at the jobsite office, if one is established, and
646 the contractor shall provide a copy of the payment and
647 performance bond within 5 days after receiving a written request
648 for the bond. A copy of the payment and performance bond
649 required under this section may also be obtained directly from
650 the department by making a request pursuant to chapter 119. Upon
651 execution of the contract, and prior to beginning any work under
652 the contract, the contractor shall record in the public records
653 of the county where the improvement is located the payment and
654 performance bond required under this section. A claimant has
655 shall have a right of action against the contractor and surety
656 for the amount due him or her, including unpaid finance charges
657 due under the claimant's contract. The Such action may shall not
658 involve the department in any expense.
659 Section 9. Subsections (1), (2), and (7) of section
660 337.185, Florida Statutes, are amended to read:
661 337.185 State Arbitration Board.—
662 (1) To facilitate the prompt settlement of claims for
663 additional compensation arising out of construction and
664 maintenance contracts between the department and the various
665 contractors with whom it transacts business, the Legislature
666 does hereby establish the State Arbitration Board, referred to
667 in this section as the "board." For the purpose of this section,

668 the term "claim" means ~~shall mean~~ the aggregate of all
669 outstanding claims by a party arising out of a construction or
670 maintenance contract. Every contractual claim in an amount up to
671 $250,000 per contract or, at the claimant's option, up to
672 $500,000 per contract or, upon agreement of the parties, up to
673 $1 million per contract that cannot be resolved by negotiation
674 between the department and the contractor shall be arbitrated by
675 the board after acceptance of the project by the department. As
676 an exception, either party to the dispute may request that the
677 claim be submitted to binding private arbitration. A court of
678 law may not consider the settlement of such a claim until the
679 process established by this section has been exhausted.
680 (2) The board shall be composed of three members. One
681 member shall be appointed by the head of the department, and one
682 member shall be elected by those construction or maintenance
683 companies who are under contract with the department. The third
684 member shall be chosen by agreement of the other two members.
685 Whenever the third member has a conflict of interest regarding
686 affiliation with one of the parties, the other two members shall
687 select an alternate member for that hearing. The head of the
688 department may select an alternative or substitute to serve as
689 the department member for any hearing or term. Each member shall
690 serve a 2-year term. The board shall elect a chair, each term,
691 who shall be the administrator of the board and custodian of its
692 records.
693 (7) The members of the board may receive compensation for
694 the performance of their duties hereunder, from administrative
695 fees received by the board, except that no employee of the
696 department may receive compensation from the board. The

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697 compensation amount shall be determined by the board, but may
698 ~~shall~~ not exceed $125 per hour, up to a maximum of $1,000 per
699 day for each member authorized to receive compensation. ~~Nothing~~
700 ~~in~~ This section does not ~~shall~~ prevent the member elected by
701 construction or maintenance companies from being an employee of
702 an association affiliated with the industry, even if the sole
703 responsibility of that member is service on the board. Travel
704 expenses for the industry member may be paid by an industry
705 association, if necessary. The board may allocate funds annually
706 for clerical and other administrative services.
707 Section 10. Subsection (1) of section 337.403, Florida
708 Statutes, is amended to read:
709 337.403 Relocation of utility; expenses.—
710 (1) Any utility heretofore or hereafter placed upon, under,
711 over, or along any public road or publicly owned rail corridor
712 that is found by the authority to be unreasonably interfering in
713 any way with the convenient, safe, or continuous use, or the
714 maintenance, improvement, extension, or expansion, of such
715 public road or publicly owned rail corridor shall, upon 30 days'
716 written notice to the utility or its agent by the authority, be
717 removed or relocated by such utility at its own expense except
718 as provided in paragraphs (a)-(f) ~~(a), (b), and (c)~~.
719 (a) If the relocation of utility facilities, as referred to
720 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
721 627 of the 84th Congress, is necessitated by the construction of
722 a project on the federal-aid interstate system, including
723 extensions thereof within urban areas, and the cost of the ~~such~~
724 project is eligible and approved for reimbursement by the
725 Federal Government to the extent of 90 percent or more under the

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726 Federal Aid Highway Act, or any amendment thereof, then in that
727 event the utility owning or operating such facilities shall
728 relocate the ~~such~~ facilities upon order of the department, and
729 the state shall pay the entire expense properly attributable to
730 such relocation after deducting therefrom any increase in the
731 value of the new facility and any salvage value derived from the
732 old facility.

733 (b) When a joint agreement between the department and the
734 utility is executed for utility improvement, relocation, or
735 removal work to be accomplished as part of a contract for
736 construction of a transportation facility, the department may
737 participate in those utility improvement, relocation, or removal
738 costs that exceed the department's official estimate of the cost
739 of the ~~such~~ work by more than 10 percent. The amount of such
740 participation shall be limited to the difference between the
741 official estimate of all the work in the joint agreement plus 10
742 percent and the amount awarded for this work in the construction
743 contract for such work. The department may not participate in
744 any utility improvement, relocation, or removal costs that occur
745 as a result of changes or additions during the course of the
746 contract.

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

752 <u>(d) If the utility facility being removed or relocated was</u>
753 <u>initially installed to exclusively serve the department, its</u>
754 <u>tenants, or both, the department shall bear the costs of</u>

755 removing or relocating that utility facility. However, the
756 department is not responsible for bearing the cost of removing
757 or relocating any subsequent additions to that facility for the
758 purpose of serving others.
759 (e) If, under an agreement between a utility and the
760 authority entered into after July 1, 2009, the utility conveys,
761 subordinates, or relinquishes a compensable property right to
762 the authority for the purpose of accommodating the acquisition
763 or use of the right-of-way by the authority, without the
764 agreement expressly addressing future responsibility for the
765 cost of removing or relocating the utility, the authority shall
766 bear the cost of removal or relocation. This paragraph does not
767 impair or restrict, and may not be used to interpret, the terms
768 of any such agreement entered into before July 1, 2009.
769 (f) If the utility is an electric facility being relocated
770 underground in order to enhance vehicular, bicycle, and
771 pedestrian safety and in which ownership of the electric
772 facility to be placed underground has been transferred from a
773 private to a public utility within the past 5 years, the
774 department shall incur all costs of the relocation.
775 Section 11. Subsections (4) and (5) of section 337.408,
776 Florida Statutes, are amended, present subsection (7) of that
777 section is renumbered as subsection (8), and a new subsection
778 (7) is added to that section, to read:
779 337.408 Regulation of benches, transit shelters, street
780 light poles, waste disposal receptacles, and modular news racks
781 within rights-of-way.—
782 (4) The department has the authority to direct the
783 immediate relocation or removal of any bench, transit shelter,

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waste disposal receptacle, public pay telephone, or modular news rack that ~~which~~ endangers life or property, except that transit bus benches that were ~~which have been~~ placed in service before ~~prior to~~ April 1, 1992, are not required to comply with bench size and advertising display size requirements ~~which have been~~ established by the department before ~~prior to~~ March 1, 1992. Any transit bus bench that was in service before ~~prior to~~ April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The department may ~~is authorized to~~ adopt rules relating to the regulation of bench size and advertising display size requirements. If a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, the local government requirement applies ~~shall be applicable~~ within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to approval of the Federal Highway Administration.

(5) A ~~No~~ bench, transit shelter, waste disposal receptacle, public pay telephone, or modular news rack, or advertising thereon, may not ~~shall~~ be erected or ~~so~~ placed on the right-of-way of any road in a manner that ~~which~~ conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, waste disposal receptacle, public pay

813 telephone, or modular news rack services or advertising on such
814 benches, shelters, receptacles, public pay telephone, or news
815 racks may be regulated, restricted, or denied by the appropriate
816 local government entity consistent with ~~the provisions of~~ this
817 section.
818 (7) A public pay telephone, including advertising displayed
819 thereon, may be installed within the right-of-way limits of any
820 municipal, county, or state road, except on a limited access
821 highway, if the pay telephone is installed by a provider duly
822 authorized and regulated by the Public Service Commission under
823 s. 364.3375, if the pay telephone is operated in accordance with
824 all applicable state and federal telecommunications regulations,
825 and if written authorization has been given to a public pay
826 telephone provider by the appropriate municipal or county
827 government. Each advertisement must be limited to a size no
828 greater than 8 square feet and a public pay telephone booth may
829 not display more than three advertisements at any given time. An
830 advertisement is not allowed on public pay telephones located in
831 rest areas, welcome centers, or other such facilities located on
832 an interstate highway.
833 Section 12. Subsection (6) is added to section 338.01,
834 Florida Statutes, to read:
835 338.01 Authority to establish and regulate limited access
836 facilities.—
837 (6) All new limited access facilities and existing
838 transportation facilities on which new or replacement electronic
839 toll collection systems are installed shall be interoperable
840 with the department's electronic toll-collection system.
841 Section 13. Present subsections (7) and (8) of section

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842 338.165, Florida Statutes, are renumbered as subsections (8) and
843 (9), respectively, and a new subsection (7) is added to that
844 section, to read:
845 338.165 Continuation of tolls.—
846 (7) This section does not apply to high-occupancy toll
847 lanes or express lanes.
848 Section 14. Section 338.166, Florida Statutes, is created
849 to read:
850 338.166 High-occupancy toll lanes or express lanes.—
851 (1) Under s. 11, Art. VII of the State Constitution, the
852 department may request the Division of Bond Finance to issue
853 bonds secured by toll revenues collected on high-occupancy toll
854 lanes or express lanes located on Interstate 95 in Miami-Dade
855 and Broward Counties.
856 (2) The department may continue to collect the toll on the
857 high-occupancy toll lanes or express lanes after the discharge
858 of any bond indebtedness related to such project. All tolls so
859 collected shall first be used to pay the annual cost of the
860 operation, maintenance, and improvement of the high-occupancy
861 toll lanes or express lanes project or associated transportation
862 system.
863 (3) Any remaining toll revenue from the high-occupancy toll
864 lanes or express lanes shall be used by the department for the
865 construction, maintenance, or improvement of any road on the
866 State Highway System.
867 (4) The department may implement variable-rate tolls on
868 high-occupancy toll lanes or express lanes.
869 (5) Except for high-occupancy toll lanes or express lanes,
870 tolls may not be charged for use of an interstate highway where

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871 tolls were not charged as of July 1, 1997.
872 (6) This section does not apply to the turnpike system as
873 defined under the Florida Turnpike Enterprise Law.
874 Section 15. Paragraph (d) is added to subsection (1) of
875 section 338.2216, Florida Statutes, to read:
876 338.2216 Florida Turnpike Enterprise; powers and
877 authority.—
878 (1)
879 (d) The Florida Turnpike Enterprise shall pursue and
880 implement new technologies and processes in its operations and
881 collection of tolls and the collection of other amounts
882 associated with road and infrastructure usage. Such technologies
883 and processes must include, without limitation, video billing
884 and variable pricing.
885 Section 16. Section 338.231, Florida Statutes, is amended
886 to read:
887 338.231 Turnpike tolls, fixing; pledge of tolls and other
888 revenues.—The department shall at all times fix, adjust, charge,
889 and collect such tolls and amounts for the use of the turnpike
890 system as are required in order to provide a fund sufficient
891 with other revenues of the turnpike system to pay the cost of
892 maintaining, improving, repairing, and operating such turnpike
893 system; to pay the principal of and interest on all bonds issued
894 to finance or refinance any portion of the turnpike system as
895 the same become due and payable; and to create reserves for all
896 such purposes.
897 ~~(1) In the process of effectuating toll rate increases over~~
898 ~~the period 1988 through 1992, the department shall, to the~~
899 ~~maximum extent feasible, equalize the toll structure, within~~

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900 ~~each vehicle classification, so that the per mile toll rate will~~
901 ~~be approximately the same throughout the turnpike system. New~~
902 ~~turnpike projects may have toll rates higher than the uniform~~
903 ~~system rate where such higher toll rates are necessary to~~
904 ~~qualify the project in accordance with the financial criteria in~~
905 ~~the turnpike law. Such higher rates may be reduced to the~~
906 ~~uniform system rate when the project is generating sufficient~~
907 ~~revenues to pay the full amount of debt service and operating~~
908 ~~and maintenance costs at the uniform system rate. If, after 15~~
909 ~~years of opening to traffic, the annual revenue of a turnpike~~
910 ~~project does not meet or exceed the annual debt service~~
911 ~~requirements and operating and maintenance costs attributable to~~
912 ~~such project, the department shall, to the maximum extent~~
913 ~~feasible, establish a toll rate for the project which is higher~~
914 ~~than the uniform system rate as necessary to meet such annual~~
915 ~~debt service requirements and operating and maintenance costs.~~
916 ~~The department may, to the extent feasible, establish a~~
917 ~~temporary toll rate at less than the uniform system rate for the~~
918 ~~purpose of building patronage for the ultimate benefit of the~~
919 ~~turnpike system. In no case shall the temporary rate be~~
920 ~~established for more than 1 year. The requirements of this~~
921 ~~subsection shall not apply when the application of such~~
922 ~~requirements would violate any covenant established in a~~
923 ~~resolution or trust indenture relating to the issuance of~~
924 ~~turnpike bonds.~~
925 (1)~~(2)~~ Notwithstanding any other ~~provision of~~ law, the
926 department may defer the scheduled July 1, 1993, toll rate
927 increase on the Homestead Extension of the Florida Turnpike
928 until July 1, 1995. The department may also advance funds to the

929 Turnpike General Reserve Trust Fund to replace estimated lost
930 revenues resulting from this deferral. The amount advanced must
931 be repaid within 12 years from the date of advance; however, the
932 repayment is subordinate to all other debt financing of the
933 turnpike system outstanding at the time repayment is due.
934 (2) ~~(3)~~ The department shall publish a proposed change in
935 the toll rate for the use of an existing toll facility, in the
936 manner provided for in s. 120.54, which will provide for public
937 notice and the opportunity for a public hearing before the
938 adoption of the proposed rate change. When the department is
939 evaluating a proposed turnpike toll project under s. 338.223 and
940 has determined that there is a high probability that the project
941 will pass the test of economic feasibility predicated on
942 proposed toll rates, the toll rate that is proposed to be
943 charged after the project is constructed must be adopted during
944 the planning and project development phase of the project, in
945 the manner provided for in s. 120.54, including public notice
946 and the opportunity for a public hearing. For such a new
947 project, the toll rate becomes effective upon the opening of the
948 project to traffic.
949 (3)(a) ~~(4)~~ For the period July 1, 1998, through June 30,
950 2017, the department shall, to the maximum extent feasible,
951 program sufficient funds in the tentative work program such that
952 the percentage of turnpike toll and bond financed commitments in
953 Miami-Dade County, Broward County, and Palm Beach County as
954 compared to total turnpike toll and bond financed commitments
955 shall be at least 90 percent of the share of net toll
956 collections attributable to users of the turnpike system in
957 Miami-Dade County, Broward County, and Palm Beach County as

958 compared to total net toll collections attributable to users of
959 the turnpike system. ~~The requirements of~~ This subsection does ~~do~~
960 not apply when the application of such requirements would
961 violate any covenant established in a resolution or trust
962 indenture relating to the issuance of turnpike bonds. The
963 department may at any time for economic considerations establish
964 lower temporary toll rates for a new or existing toll facility
965 for a period not to exceed 1 year, after which the toll rates
966 adopted pursuant to s. 120.54 shall become effective.
967 (b) The department shall also fix, adjust, charge, and
968 collect such amounts needed to cover the costs of administering
969 the different toll-collection and payment methods, and types of
970 accounts being offered and used, in the manner provided for in
971 s. 120.54 which will provide for public notice and the
972 opportunity for a public hearing before adoption. Such amounts
973 may stand alone, be incorporated in a toll rate structure, or be
974 a combination of the two.
975 (4) ~~(5)~~ When bonds are outstanding which have been issued to
976 finance or refinance any turnpike project, the tolls and all
977 other revenues derived from the turnpike system and pledged to
978 such bonds shall be set aside as may be provided in the
979 resolution authorizing the issuance of such bonds or the trust
980 agreement securing the same. The tolls or other revenues or
981 other moneys so pledged and thereafter received by the
982 department are immediately subject to the lien of such pledge
983 without any physical delivery thereof or further act. The lien
984 of any such pledge is valid and binding as against all parties
985 having claims of any kind in tort or contract or otherwise
986 against the department irrespective of whether such parties have

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987 notice thereof. Neither the resolution nor any trust agreement
988 by which a pledge is created need be filed or recorded except in
989 the records of the department.
990 (5) ~~(6)~~ In each fiscal year while any of the bonds of the
991 Broward County Expressway Authority series 1984 and series 1986-
992 A remain outstanding, the department is authorized to pledge
993 revenues from the turnpike system to the payment of principal
994 and interest of such series of bonds and the operation and
995 maintenance expenses of the Sawgrass Expressway, to the extent
996 gross toll revenues of the Sawgrass Expressway are insufficient
997 to make such payments. The terms of an agreement relative to the
998 pledge of turnpike system revenue will be negotiated with the
999 parties of the 1984 and 1986 Broward County Expressway Authority
1000 lease-purchase agreements, and subject to the covenants of those
1001 agreements. The agreement must ~~shall~~ establish that the Sawgrass
1002 Expressway is ~~shall be~~ subject to the planning, management, and
1003 operating control of the department limited only by the terms of
1004 the lease-purchase agreements. The department shall provide for
1005 the payment of operation and maintenance expenses of the
1006 Sawgrass Expressway until such agreement is in effect. This
1007 pledge of turnpike system revenues is ~~shall be~~ subordinate to
1008 the debt service requirements of any future issue of turnpike
1009 bonds, the payment of turnpike system operation and maintenance
1010 expenses, and subject to ~~provisions of~~ any subsequent resolution
1011 or trust indenture relating to the issuance of such turnpike
1012 bonds.
1013 (6) ~~(7)~~ The use and disposition of revenues pledged to bonds
1014 are subject to ~~the provisions of~~ ss. 338.22-338.241 and such
1015 regulations as the resolution authorizing the issuance of the

1016 ~~such~~ bonds or such trust agreement may provide.
1017 Section 17. Subsection (4) of section 339.12, Florida
1018 Statutes, is amended to read:
1019 339.12 Aid and contributions by governmental entities for
1020 department projects; federal aid.—
1021 (4)(a) Prior to accepting the contribution of road bond
1022 proceeds, time warrants, or cash for which reimbursement is
1023 sought, the department shall enter into agreements with the
1024 governing body of the governmental entity for the project or
1025 project phases in accordance with specifications agreed upon
1026 between the department and the governing body of the
1027 governmental entity. The department in no instance is to receive
1028 from such governmental entity an amount in excess of the actual
1029 cost of the project or project phase. By specific provision in
1030 the written agreement between the department and the governing
1031 body of the governmental entity, the department may agree to
1032 reimburse the governmental entity for the actual amount of the
1033 bond proceeds, time warrants, or cash used on a highway project
1034 or project phases that are not revenue producing and are
1035 contained in the department's adopted work program, or any
1036 public transportation project contained in the adopted work
1037 program. Subject to appropriation of funds by the Legislature,
1038 the department may commit state funds for reimbursement of such
1039 projects or project phases. Reimbursement to the governmental
1040 entity for such a project or project phase must be made from
1041 funds appropriated by the Legislature, and reimbursement for the
1042 cost of the project or project phase is to begin in the year the
1043 project or project phase is scheduled in the work program as of
1044 the date of the agreement. Funds advanced pursuant to this

1045 section, which were originally designated for transportation
1046 purposes and so reimbursed to a county or municipality, shall be
1047 used by the county or municipality for any transportation
1048 expenditure authorized under s. 336.025(7). Also, cities and
1049 counties may receive funds from persons, and reimburse those
1050 persons, for the purposes of this section. Such persons may
1051 include, but are not limited to, those persons defined in s.
1052 607.01401(19).
1053 (b) Prior to entering an agreement to advance a project or
1054 project phase pursuant to this subsection and subsection (5),
1055 the department shall first update the estimated cost of the
1056 project or project phase and certify that the estimate is
1057 accurate and consistent with the amount estimated in the adopted
1058 work program. If the original estimate and the updated estimate
1059 vary, the department shall amend the adopted work program
1060 according to the amendatory procedures for the work program set
1061 forth in s. 339.135(7). The amendment shall reflect all
1062 corresponding increases and decreases to the affected projects
1063 within the adopted work program.
1064 (c) The department may enter into agreements under this
1065 subsection for a project or project phase not included in the
1066 adopted work program. As used in this paragraph, the term
1067 "project phase" means acquisition of rights-of-way,
1068 construction, construction inspection, and related support
1069 phases. The project or project phase must be a high priority of
1070 the governmental entity. Reimbursement for a project or project
1071 phase must be made from funds appropriated by the Legislature
1072 pursuant to s. 339.135(5). All other provisions of this
1073 subsection apply to agreements entered into under this

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1074 paragraph. The total amount of project agreements for projects
1075 or project phases not included in the adopted work program
1076 authorized by this paragraph may not at any time exceed $250
1077 ~~$100~~ million. However, notwithstanding such $250 ~~$100~~ million
1078 limit and any similar limit in s. 334.30, project advances for
1079 any inland county with a population greater than 500,000
1080 dedicating amounts equal to $500 million or more of its Local
1081 Government Infrastructure Surtax pursuant to s. 212.055(2) for
1082 improvements to the State Highway System which are included in
1083 the local metropolitan planning organization's or the
1084 department's long-range transportation plans shall be excluded
1085 from the calculation of the statewide limit of project advances.
1086 (d) The department may enter into agreements under this
1087 subsection with any county that has a population of 150,000 or
1088 fewer as determined by the most recent official estimate under
1089 s. 186.901 for a project or project phase not included in the
1090 adopted work program. As used in this paragraph, the term
1091 "project phase" means acquisition of rights-of-way,
1092 construction, construction inspection, and related support
1093 phases. The project or project phase must be a high priority of
1094 the governmental entity. Reimbursement for a project or project
1095 phase must be made from funds appropriated by the Legislature
1096 under s. 339.135(5). All other provisions of this subsection
1097 apply to agreements entered into under this paragraph. The total
1098 amount of project agreements for projects or project phases not
1099 included in the adopted work program authorized by this
1100 paragraph may not at any time exceed $200 million. The project
1101 must be included in the local government's adopted comprehensive
1102 plan. The department may enter into long-term repayment

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1103 agreements of up to 30 years.
1104 Section 18. Paragraph (d) of subsection (7) of section
1105 339.135, Florida Statutes, is amended to read:
1106 339.135 Work program; legislative budget request;
1107 definitions; preparation, adoption, execution, and amendment.—
1108 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
1109 (d)1. Whenever the department proposes any amendment to the
1110 adopted work program, as defined in subparagraph (c)1. or
1111 subparagraph (c)3., which deletes or defers a construction phase
1112 on a capacity project, it shall notify each county affected by
1113 the amendment and each municipality within the county. The
1114 notification shall be issued in writing to the chief elected
1115 official of each affected county, each municipality within the
1116 county, and the chair of each affected metropolitan planning
1117 organization. Each affected county and each municipality in the
1118 county is encouraged to coordinate with each other in order to
1119 determine how the amendment affects local concurrency management
1120 and regional transportation planning efforts. Each affected
1121 county, and each municipality within the county, shall have 14
1122 days to provide written comments to the department regarding how
1123 the amendment will affect its respective concurrency management
1124 systems, including whether any development permits were issued
1125 contingent upon the capacity improvement, if applicable. After
1126 receipt of written comments from the affected local governments,
1127 the department shall include any written comments submitted by
1128 such local governments in its preparation of the proposed
1129 amendment.
1130 2. Following the 14-day comment period in subparagraph 1.,
1131 if applicable, whenever the department proposes any amendment to

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1132 the adopted work program, which amendment is defined in
1133 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1134 subparagraph (c)4., it shall submit the proposed amendment to
1135 the Governor for approval and shall immediately notify the
1136 chairs of the legislative appropriations committees, the chairs
1137 of the legislative transportation committees, and each member of
1138 the Legislature who represents a district affected by the
1139 proposed amendment. It shall also notify~~,~~ each metropolitan
1140 planning organization affected by the proposed amendment, and
1141 each unit of local government affected by the proposed
1142 amendment, unless it provided to each the notification required
1143 by subparagraph 1. Such proposed amendment shall provide a
1144 complete justification of the need for the proposed amendment.
1145 3.~~2.~~ The Governor may ~~shall~~ not approve a proposed
1146 amendment until 14 days following the notification required in
1147 subparagraph 2. ~~1.~~
1148 4.~~3.~~ If either of the chairs of the legislative
1149 appropriations committees or the President of the Senate or the
1150 Speaker of the House of Representatives objects in writing to a
1151 proposed amendment within 14 days following notification and
1152 specifies the reasons for such objection, the Governor shall
1153 disapprove the proposed amendment.
1154 Section 19. Subsection (3) and paragraphs (b) and (c) of
1155 subsection (4) of section 339.2816, Florida Statutes, are
1156 amended to read:
1157 339.2816 Small County Road Assistance Program.—
1158 (3) Beginning with fiscal year 1999-2000 until fiscal year
1159 2009-2010, and beginning again with fiscal year 2012-2013, up to
1160 $25 million annually from the State Transportation Trust Fund

1161 may be used for the purposes of funding the Small County Road
1162 Assistance Program as described in this section.
1163 (4)
1164 (b) In determining a county's eligibility for assistance
1165 under this program, the department may consider whether the
1166 county has attempted to keep county roads in satisfactory
1167 condition, including the amount of local option fuel tax ~~and ad~~
1168 ~~valorem millage rate~~ imposed by the county. The department may
1169 also consider the extent to which the county has offered to
1170 provide a match of local funds with state funds provided under
1171 the program. At a minimum, small counties shall be eligible only
1172 if~~:~~
1173 ~~1.~~ the county has enacted the maximum rate of the local
1174 option fuel tax authorized by s. 336.025(1)(a)~~, and has imposed~~
1175 ~~an ad valorem millage rate of at least 8 mills; or~~
1176 ~~2. The county has imposed an ad valorem millage rate of 10~~
1177 ~~mills~~.
1178 (c) The following criteria must ~~shall~~ be used to prioritize
1179 road projects for funding under the program:
1180 1. The primary criterion is the physical condition of the
1181 road as measured by the department.
1182 2. As secondary criteria the department may consider:
1183 a. Whether a road is used as an evacuation route.
1184 b. Whether a road has high levels of agricultural travel.
1185 c. Whether a road is considered a major arterial route.
1186 d. Whether a road is considered a feeder road.
1187 e. Whether a road is located in a fiscally constrained
1188 county, as defined in s. 218.67(1).
1189 f.~~e.~~ Other criteria related to the impact of a project on

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1190 the public road system or on the state or local economy as
1191 determined by the department.
1192 Section 20. Paragraph (c) of subsection (4) of section
1193 348.0003, Florida Statutes, is amended to read:
1194 348.0003 Expressway authority; formation; membership.—
1195 (4)
1196 (c) Members of each expressway ~~an~~ authority, transportation
1197 authority, bridge authority, or toll authority, created pursuant
1198 to this chapter, chapter 343, or chapter 349 or any other
1199 legislative enactment shall ~~be required to~~ comply with the
1200 applicable financial disclosure requirements of s. 8, Art. II of
1201 the State Constitution. This paragraph does not subject any
1202 statutorily created authority, other than an expressway
1203 authority created under this part, to any other requirement of
1204 this part except the requirement of this paragraph.
1205 Section 21. Subsection (1) of section 479.01, Florida
1206 Statutes, is amended to read:
1207 479.01 Definitions.—As used in this chapter, the term:
1208 (1) "Automatic changeable facing" means a facing that ~~which~~
1209 ~~through a mechanical system~~ is capable of delivering two or more
1210 advertising messages through an automated or remotely controlled
1211 process ~~and shall not rotate so rapidly as to cause distraction~~
1212 ~~to a motorist~~.
1213 Section 22. Subsections (1), (5), and (9) of section
1214 479.07, Florida Statutes, are amended to read:
1215 479.07 Sign permits.—
1216 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
1217 person may not erect, operate, use, or maintain, or cause to be
1218 erected, operated, used, or maintained, any sign on the State

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1219 Highway System outside an urban ~~incorporated~~ area, as defined in
1220 s. 334.03(32), or on any portion of the interstate or federal-
1221 aid primary highway system without first obtaining a permit for
1222 the sign from the department and paying the annual fee as
1223 provided in this section. As used in ~~For purposes of~~ this
1224 section, the term “on any portion of the State Highway System,
1225 interstate, or federal-aid primary system” means ~~shall mean~~ a
1226 sign located within the controlled area which is visible from
1227 any portion of the main-traveled way of such system.
1228 (5)(a) For each permit issued, the department shall furnish
1229 to the applicant a serially numbered permanent metal permit tag.
1230 The permittee is responsible for maintaining a valid permit tag
1231 on each permitted sign facing at all times. The tag shall be
1232 securely attached to the sign facing or, if there is no facing,
1233 on the pole nearest the highway; and it shall be attached in
1234 such a manner as to be plainly visible from the main-traveled
1235 way. Effective July 1, 2012, the tag must be securely attached
1236 to the upper 50 percent of the pole nearest the highway and must
1237 be attached in such a manner as to be plainly visible from the
1238 main-traveled way. The permit becomes ~~will become~~ void unless
1239 the permit tag is properly and permanently displayed at the
1240 permitted site within 30 days after the date of permit issuance.
1241 If the permittee fails to erect a completed sign on the
1242 permitted site within 270 days after the date on which the
1243 permit was issued, the permit will be void, and the department
1244 may not issue a new permit to that permittee for the same
1245 location for 270 days after the date on which the permit became
1246 void.
1247 (b) If a permit tag is lost, stolen, or destroyed, the

1248 permittee to whom the tag was issued must apply to the
1249 department for a replacement tag. The department shall adopt a
1250 rule establishing a service fee for replacement tags in an
1251 amount that will recover the actual cost of providing the
1252 replacement tag. Upon receipt of the application accompanied by
1253 the a service fee of $3, the department shall issue a
1254 replacement permit tag. Alternatively, the permittee may provide
1255 its own replacement tag pursuant to department specifications
1256 that the department shall adopt by rule at the time it
1257 establishes the service fee for replacement tags.
1258 (9)(a) A permit shall not be granted for any sign for which
1259 a permit had not been granted by the effective date of this act
1260 unless such sign is located at least:
1261 1. One thousand five hundred feet from any other permitted
1262 sign on the same side of the highway, if on an interstate
1263 highway.
1264 2. One thousand feet from any other permitted sign on the
1265 same side of the highway, if on a federal-aid primary highway.
1266
1267 The minimum spacing provided in this paragraph does not preclude
1268 the permitting of V-type, back-to-back, side-to-side, stacked,
1269 or double-faced signs at the permitted sign site. If a sign is
1270 visible from the controlled area of more than one highway
1271 subject to the jurisdiction of the department, the sign shall
1272 meet the permitting requirements of, and, if the sign meets the
1273 applicable permitting requirements, be permitted to, the highway
1274 having the more stringent permitting requirements.
1275 (b) A permit shall not be granted for a sign pursuant to
1276 this chapter to locate such sign on any portion of the

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1277 interstate or federal-aid primary highway system, which sign:
1278 1. Exceeds 50 feet in sign structure height above the crown
1279 of the main-traveled way, if outside an incorporated area;
1280 2. Exceeds 65 feet in sign structure height above the crown
1281 of the main-traveled way, if inside an incorporated area; or
1282 3. Exceeds 950 square feet of sign facing including all
1283 embellishments.
1284 (c) Notwithstanding subparagraph (a)1., there is
1285 established a pilot program in Orange, Hillsborough, and Osceola
1286 Counties, and within the boundaries of the City of Miami, under
1287 which the distance between permitted signs on the same side of
1288 an interstate highway may be reduced to 1,000 feet if all other
1289 requirements of this chapter are met and if:
1290 1. The local government has adopted a plan, program,
1291 resolution, ordinance, or other policy encouraging the voluntary
1292 removal of signs in a downtown, historic, redevelopment, infill,
1293 or other designated area which also provides for a new or
1294 replacement sign to be erected on an interstate highway within
1295 that jurisdiction if a sign in the designated area is removed;
1296 2. The sign owner and the local government mutually agree
1297 to the terms of the removal and replacement; and
1298 3. The local government notifies the department of its
1299 intention to allow such removal and replacement as agreed upon
1300 pursuant to subparagraph 2.
1301
1302 The department shall maintain statistics tracking the use of the
1303 provisions of this pilot program based on the notifications
1304 received by the department from local governments under this
1305 paragraph.

1306 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
1307 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
1308 1984, to become nonconforming.
1309 Section 23. Section 479.08, Florida Statutes, is amended to
1310 read:
1311 479.08 Denial or revocation of permit.—The department may
1312 ~~has the authority to~~ deny or revoke any permit requested or
1313 granted under this chapter in any case in which it determines
1314 that the application for the permit contains knowingly false or
1315 misleading information. The department may revoke any permit
1316 granted under this chapter in any case in which ~~or that~~ the
1317 permittee has violated any of the provisions of this chapter,
1318 unless such permittee, within 30 days after the receipt of
1319 notice by the department, ~~corrects such false or misleading~~
1320 ~~information and~~ complies with the provisions of this chapter.
1321 For the purpose of this section, the notice of violation issued
1322 by the department must describe in detail the alleged violation.
1323 Any person aggrieved by any action of the department in denying
1324 or revoking a permit under this chapter may, within 30 days
1325 after receipt of the notice, apply to the department for an
1326 administrative hearing pursuant to chapter 120. If a timely
1327 request for hearing has been filed and the department issues a
1328 final order revoking a permit, such revocation shall be
1329 effective 30 days after the date of rendition. Except for
1330 department action pursuant to s. 479.107(1), the filing of a
1331 timely and proper notice of appeal shall operate to stay the
1332 revocation until the department's action is upheld.
1333 Section 24. Section 479.156, Florida Statutes, is amended
1334 to read:

479.156 Wall murals.—Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located in an area that is zoned for industrial or commercial use and the municipality or county shall establish and enforce regulations for such areas that, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of the Highway Beautification Act of 1965 and with customary use. Whenever a municipality or county exercises such control and makes a determination of customary use pursuant to 23 U.S.C. s. 131(d), such determination shall be accepted in lieu of controls in the agreement between the state and the United States Department of Transportation, and the department shall notify the Federal Highway Administration pursuant to the agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is subject to municipal or county regulation and the Highway Beautification Act of 1965 must be approved by the Department of Transportation and the Federal Highway Administration when required by federal law and federal regulation under ~~and may not violate~~ the agreement between the state and the United States Department of Transportation and ~~or violate~~ federal regulations enforced by the Department of Transportation under s. 479.02(1). The existence of a wall mural as defined in s. 479.01(27) shall not be considered in determining whether a sign as defined in s.

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1364 479.01(17), either existing or new, is in compliance with s.
1365 479.07(9)(a).
1366 Section 25. Subsections (1), (3), (4), and (5) of section
1367 479.261, Florida Statutes, are amended to read:
1368 479.261 Logo sign program.—
1369 (1) The department shall establish a logo sign program for
1370 the rights-of-way of the interstate highway system to provide
1371 information to motorists about available gas, food, lodging, ~~and~~
1372 camping, attractions, and other services, as approved by the
1373 Federal Highway Administration, at interchanges, through the use
1374 of business logos, and may include additional interchanges under
1375 the program. ~~A logo sign for nearby attractions may be added to~~
1376 ~~this program if allowed by federal rules.~~
1377 (a) An attraction as used in this chapter is defined as an
1378 establishment, site, facility, or landmark that ~~which~~ is open a
1379 minimum of 5 days a week for 52 weeks a year; that ~~which charges~~
1380 ~~an admission for entry; which~~ has as its principal focus family-
1381 oriented entertainment, cultural, educational, recreational,
1382 scientific, or historical activities; and that ~~which~~ is publicly
1383 recognized as a bona fide tourist attraction. ~~However, the~~
1384 ~~permits for businesses seeking to participate in the attractions~~
1385 ~~logo sign program shall be awarded by the department annually to~~
1386 ~~the highest bidders, notwithstanding the limitation on fees in~~
1387 ~~subsection (5), which are qualified for available space at each~~
1388 ~~qualified location, but the fees therefor may not be less than~~
1389 ~~the fees established for logo participants in other logo~~
1390 ~~categories.~~
1391 (b) The department shall incorporate the use of RV-friendly
1392 markers on specific information logo signs for establishments

1393 that cater to the needs of persons driving recreational
1394 vehicles. Establishments that qualify for participation in the
1395 specific information logo program and that also qualify as “RV-
1396 friendly” may request the RV-friendly marker on their specific
1397 information logo sign. An RV-friendly marker must consist of a
1398 design approved by the Federal Highway Administration. The
1399 department shall adopt rules in accordance with chapter 120 to
1400 administer this paragraph, including rules setting forth the
1401 minimum requirements that establishments must meet in order to
1402 qualify as RV-friendly. These requirements shall include large
1403 parking spaces, entrances, and exits that can easily accommodate
1404 recreational vehicles and facilities having appropriate overhead
1405 clearances, if applicable.
1406 (c) The department may implement a 3-year rotation-based
1407 logo program providing for the removal and addition of
1408 participating businesses in the program.
1409 (3) Logo signs may be installed upon the issuance of an
1410 annual permit by the department or its agent and payment of a ~~an~~
1411 ~~application and~~ permit fee to the department or its agent.
1412 (4) The department may contract pursuant to s. 287.057 for
1413 the provision of services related to the logo sign program,
1414 including recruitment and qualification of businesses, review of
1415 applications, permit issuance, and fabrication, installation,
1416 and maintenance of logo signs. The department may reject all
1417 proposals and seek another request for proposals or otherwise
1418 perform the work. ~~If the department contracts for the provision~~
1419 ~~of services for the logo sign program, the contract must~~
1420 ~~require, unless the business owner declines, that businesses~~
1421 ~~that previously entered into agreements with the department to~~

1422 ~~privately fund logo sign construction and installation be~~
1423 ~~reimbursed by the contractor for the cost of the signs which has~~
1424 ~~not been recovered through a previously agreed upon waiver of~~
1425 ~~fees.~~ The contract also may allow the contractor to retain a
1426 portion of the annual fees as compensation for its services.
1427 (5) Permit fees for businesses that participate in the
1428 program must be established in an amount sufficient to offset
1429 the total cost to the department for the program, including
1430 contract costs. The department shall provide the services in the
1431 most efficient and cost-effective manner through department
1432 staff or by contracting for some or all of the services. The
1433 department shall adopt rules that set reasonable rates based
1434 upon factors such as population, traffic volume, market demand,
1435 and costs for annual permit fees. However, annual permit fees
1436 for sign locations inside an urban area, as defined in s.
1437 334.03(32), may not exceed $5,000, and annual permit fees for
1438 sign locations outside an urban area, as defined in s.
1439 334.03(32), may not exceed $2,500. After recovering program
1440 costs, the proceeds from the logo program shall be deposited
1441 into the State Transportation Trust Fund and used for
1442 transportation purposes. ~~Such annual permit fee shall not exceed~~
1443 ~~$1,250.~~
1444 Section 26. The Department of Transportation, in
1445 consultation with the Department of Law Enforcement, the
1446 Department of Environmental Protection, the Division of
1447 Emergency Management of the Department of Community Affairs, the
1448 Office of Tourism, Trade, and Economic Development, affected
1449 metropolitan planning organizations, and regional planning
1450 councils within whose jurisdictional area the I-95 corridor

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1451 lies, shall complete a study of transportation alternatives for
1452 the travel corridor parallel to Interstate 95 which takes into
1453 account the transportation, emergency management, homeland
1454 security, and economic development needs of the state. The
1455 report must include identification of cost-effective measures
1456 that may be implemented to alleviate congestion on Interstate
1457 95, facilitate emergency and security responses, and foster
1458 economic development. The Department of Transportation shall
1459 send the report to the Governor, the President of the Senate,
1460 the Speaker of the House of Representatives, and each affected
1461 metropolitan planning organization by June 30, 2010.
1462 Section 27. (1) Part III of chapter 343, Florida Statutes,
1463 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
1464 343.76, and 343.77, is repealed.
1465 (2) Any assets or liabilities of the Tampa Bay Commuter
1466 Transit Authority are transferred to the Tampa Bay Area Regional
1467 Transportation Authority as created under s. 343.92, Florida
1468 Statutes.
1469 Section 28. This act shall take effect July 1, 2009.