

FOR CONSIDERATION By the Committee on Transportation

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 requiring the department to conduct a study of
4 transportation alternatives for the Interstate 95
5 corridor; amending s. 20.23, F.S.; providing for the
6 salary and benefits of the executive director of the
7 Florida Transportation Commission to be set in
8 accordance with the Senior Management Service;
9 amending s. 125.42, F.S.; providing for counties to
10 incur certain costs related to the relocation or
11 removal of certain utility facilities under specified
12 circumstances; amending s. 163.3177, F.S.; revising
13 requirements for comprehensive plans; providing a
14 timeframe for submission of certain information to the
15 state land planning agency; providing for airports,
16 land adjacent to airports, and certain interlocal
17 agreements relating thereto in certain elements of the
18 plan; amending s. 163.3178, F.S.; providing that
19 certain port-related facilities may not be designated
20 as 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. 287.055,
37 F.S.; conforming a cross-reference; prohibiting a
38 county, municipality, or special district from owning
39 or operating an asphalt plant or a portable or
40 stationary concrete batch plant having an independent
41 mixer; providing exemptions; amending s. 337.11, F.S.;
42 providing for the department to pay a portion of
43 certain proposal development costs; requiring the
44 department to advertise certain contracts as design-
45 build contracts; amending ss. 337.14 and 337.16, F.S.;
46 conforming cross-references; amending s. 337.18, F.S.;
47 requiring the contractor to maintain a copy of the
48 required payment and performance bond at certain
49 locations and provide a copy upon request; providing
50 that a copy may be obtained directly from the
51 department; removing a provision requiring that a copy
52 be recorded in the public records of the county;
53 amending s. 337.185, F.S.; providing for the State
54 Arbitration Board to arbitrate certain claims relating
55 to maintenance contracts; providing for a member of
56 the board to be elected by maintenance companies as
57 well as construction companies; amending s. 337.403,
58 F.S.; providing for the department or local

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59 governmental entity to pay certain costs of removal or
60 relocation of a utility facility that is found to be
61 interfering with the use, maintenance, improvement,
62 extension, or expansion of a public road or publicly
63 owned rail corridor under described circumstances;
64 amending s. 337.408, F.S.; providing for public pay
65 telephones and advertising thereon to be installed
66 within the right-of-way limits of any municipal,
67 county, or state road; amending s. 338.01, F.S.;

68 requiring new and replacement electronic toll
69 collection systems to be interoperable with the
70 department's system; amending s. 338.165, F.S.;

71 providing that provisions requiring the continuation
72 of tolls following the discharge of bond indebtedness
73 does not apply to high-occupancy toll lanes or express
74 lanes; creating s. 338.166, F.S.; authorizing the
75 department to request that bonds be issued which are
76 secured by toll revenues from high-occupancy toll or
77 express lanes in a specified location; providing for
78 the department to continue to collect tolls after
79 discharge of indebtedness; authorizing the use of
80 excess toll revenues for improvements to the State
81 Highway System; authorizing the implementation of
82 variable rate tolls on high-occupancy toll lanes or
83 express lanes; amending s. 338.2216, F.S.; directing
84 the Florida Turnpike Enterprise to implement new
85 technologies and processes in its operations and
86 collection of tolls and other amounts; amending s.
87 338.223, F.S.; conforming a cross-reference; amending

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88 s. 338.231, F.S.; revising provisions for establishing
89 and collecting tolls; authorizing the collection of
90 amounts to cover costs of toll collection and payment
91 methods; requiring public notice and hearing; amending
92 s. 339.12, F.S.; revising requirements for aid and
93 contributions by governmental entities for
94 transportation projects; revising limits under which
95 the department may enter into an agreement with a
96 county for a project or project phase not in the
97 adopted work program; authorizing the department to
98 enter into certain long-term repayment agreements;
99 amending s. 339.135, F.S.; revising certain notice
100 provisions that require the Department of
101 Transportation to notify local governments regarding
102 amendments to an adopted 5-year work program; amending
103 s. 339.155, F.S.; revising provisions for development
104 of the Florida Transportation Plan; amending s.
105 339.2816, F.S., relating to the small county road
106 assistance program; providing for resumption of
107 certain funding for the program; revising the criteria
108 for counties eligible to participate in the program;
109 amending ss. 339.2819 and 339.285, F.S.; conforming
110 cross-references; repealing part III of ch. 343 F.S.,
111 relating to the Tampa Bay Commuter Transit Authority;
112 amending s. 348.0003, F.S.; requiring financial
113 disclosure for members of expressway, transportation,
114 bridge, or toll authorities; amending s. 348.0004,
115 F.S.; providing for certain expressway authorities to
116 index toll rate increases; amending s. 479.01, F.S.;

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117 revising provisions for outdoor advertising; revising
118 the definition of the term "automatic changeable
119 facing"; amending s. 479.07, F.S.; revising a
120 prohibition against signs on the State Highway System;
121 revising requirements for display of the sign permit
122 tag; directing the department to establish by rule a
123 fee for furnishing a replacement permit tag; revising
124 the pilot project for permitted signs to include
125 Hillsborough County and areas within the boundaries of
126 the City of Miami; amending s. 479.08, F.S.; revising
127 provisions for denial or revocation of a sign permit;
128 amending s. 479.156, F.S.; modifying local government
129 control of the regulation of wall murals adjacent to
130 certain federal highways; amending s. 479.261, F.S.;
131 revising requirements for the logo sign program of the
132 interstate highway system; deleting provisions
133 providing for permits to be awarded to the highest
134 bidders; requiring the department to implement a
135 rotation-based logo program; requiring the department
136 to adopt rules that set reasonable rates based on
137 certain factors for annual permit fees; requiring that
138 such fees not exceed a certain amount for sign
139 locations inside and outside an urban area; creating a
140 business partnership pilot program; authorizing the
141 Palm Beach County School District to display names of
142 business partners on district property in
143 unincorporated areas; exempting the program from
144 specified provisions; authorizing the expenditure of
145 public funds for certain alterations of Old Cutler

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146 Road in the Village of Palmetto Bay; requiring the
147 official approval of the Department of State before
148 any alterations may begin; amending s. 120.52, F.S.;
149 redefining the term "agency" for purposes of ch. 120,
150 F.S., to include certain regional transportation and
151 transit authorities; directing the Department of
152 Transportation to establish an approved transportation
153 methodology for certain purpose; providing
154 requirements; providing an effective date.

155
156 Be It Enacted by the Legislature of the State of Florida:

157
158 Section 1. The Department of Transportation, in
159 consultation with the Department of Law Enforcement, the
160 Division of Emergency Management of the Department of Community
161 Affairs, the Office of Tourism, Trade, and Economic Development,
162 and regional planning councils within whose jurisdictional area
163 the I-95 corridor lies, shall complete a study of transportation
164 alternatives for the travel corridor parallel to Interstate 95
165 which takes into account the transportation, emergency
166 management, homeland security, and economic development needs of
167 the state. The report must include identification of cost-
168 effective measures that may be implemented to alleviate
169 congestion on Interstate 95, facilitate emergency and security
170 responses, and foster economic development. The Department of
171 Transportation shall send the report to the Governor, the
172 President of the Senate, the Speaker of the House of
173 Representatives, and each affected metropolitan planning
174 organization by June 30, 2010.

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175 Section 2. Paragraph (h) of subsection (2) of section
176 20.23, Florida Statutes, is amended to read:

177 20.23 Department of Transportation.—There is created a
178 Department of Transportation which shall be a decentralized
179 agency.

180 (2)

181 (h) The commission shall appoint an executive director and
182 assistant executive director, who shall serve under the
183 direction, supervision, and control of the commission. The
184 executive director, with the consent of the commission, shall
185 employ such staff as are necessary to perform adequately the
186 functions of the commission, within budgetary limitations. All
187 employees of the commission are exempt from part II of chapter
188 110 and shall serve at the pleasure of the commission. The
189 salary and benefits of the executive director shall be set in
190 accordance with the Senior Management Service. The salaries and
191 benefits of all other employees of the commission shall be set
192 in accordance with the Selected Exempt Service; ~~provided,~~
193 however, ~~that~~ the commission has ~~shall have~~ complete authority
194 for fixing the salary of the executive director and assistant
195 executive director.

196 Section 3. Subsection (5) of section 125.42, Florida
197 Statutes, is amended to read:

198 125.42 Water, sewage, gas, power, telephone, other utility,
199 and television lines along county roads and highways.—

200 (5) In the event of widening, repair, or reconstruction of
201 any such road, the licensee shall move or remove such water,
202 sewage, gas, power, telephone, and other utility lines and
203 television lines at no cost to the county, except as provided in

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204 s. 337.403(1)(e).

205 Section 4. Paragraphs (a), (h), and (j) of subsection (6)
206 of section 163.3177, Florida Statutes, are amended to read:

207 163.3177 Required and optional elements of comprehensive
208 plan; studies and surveys.—

209 (6) In addition to the requirements of subsections (1)-(5)
210 and (12), the comprehensive plan shall include the following
211 elements:

212 (a) A future land use plan element designating proposed
213 future general distribution, location, and extent of the uses of
214 land for residential uses, commercial uses, industry,
215 agriculture, recreation, conservation, education, public
216 buildings and grounds, other public facilities, and other
217 categories of the public and private uses of land. Counties are
218 encouraged to designate rural land stewardship areas, pursuant
219 to ~~the provisions of~~ paragraph (11)(d), as overlays on the
220 future land use map. Each future land use category must be
221 defined in terms of uses included, and must include standards to
222 be followed in the control and distribution of population
223 densities and building and structure intensities. The proposed
224 distribution, location, and extent of the various categories of
225 land use shall be shown on a land use map or map series which
226 shall be supplemented by goals, policies, and measurable
227 objectives. The future land use plan shall be based upon
228 surveys, studies, and data regarding the area, including the
229 amount of land required to accommodate anticipated growth; the
230 projected population of the area; the character of undeveloped
231 land; the availability of water supplies, public facilities, and
232 services; the need for redevelopment, including the renewal of

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233 blighted areas and the elimination of nonconforming uses which
234 are inconsistent with the character of the community; the
235 compatibility of uses on lands adjacent to or closely proximate
236 to military installations; lands adjacent to an airport as
237 defined in s. 330.35 and consistent with s. 333.02; the
238 discouragement of urban sprawl; energy-efficient land use
239 patterns accounting for existing and future electric power
240 generation and transmission systems; greenhouse gas reduction
241 strategies; and, in rural communities, the need for job
242 creation, capital investment, and economic development that will
243 strengthen and diversify the community's economy. The future
244 land use plan may designate areas for future planned development
245 use involving combinations of types of uses for which special
246 regulations may be necessary to ensure development in accord
247 with the principles and standards of the comprehensive plan and
248 this act. The future land use plan element shall include
249 criteria to be used to achieve the compatibility of adjacent or
250 closely proximate lands with military installations; lands
251 adjacent to an airport as defined in s. 330.35 and consistent
252 with s. 333.02. In addition, for rural communities, the amount
253 of land designated for future planned industrial use shall be
254 based upon surveys and studies that reflect the need for job
255 creation, capital investment, and the necessity to strengthen
256 and diversify the local economies, and may ~~shall~~ not be limited
257 solely by the projected population of the rural community. The
258 future land use plan of a county may also designate areas for
259 possible future municipal incorporation. The land use maps or
260 map series shall generally identify and depict historic district
261 boundaries and shall designate historically significant

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262 properties meriting protection. For coastal counties, the future
263 land use element must include, without limitation, regulatory
264 incentives and criteria that encourage the preservation of
265 recreational and commercial working waterfronts as defined in s.
266 342.07. The future land use element must clearly identify the
267 land use categories in which public schools are an allowable
268 use. When delineating the land use categories in which public
269 schools are an allowable use, a local government shall include
270 in the categories sufficient land proximate to residential
271 development to meet the projected needs for schools in
272 coordination with public school boards and may establish
273 differing criteria for schools of different type or size. Each
274 local government shall include lands contiguous to existing
275 school sites, to the maximum extent possible, within the land
276 use categories in which public schools are an allowable use. The
277 failure by a local government to comply with these school siting
278 requirements will result in the prohibition of the local
279 government's ability to amend the local comprehensive plan,
280 except for plan amendments described in s. 163.3187(1)(b), until
281 the school siting requirements are met. Amendments proposed by a
282 local government for purposes of identifying the land use
283 categories in which public schools are an allowable use are
284 exempt from the limitation on the frequency of plan amendments
285 contained in s. 163.3187. The future land use element shall
286 include criteria that encourage the location of schools
287 proximate to urban residential areas to the extent possible and
288 shall require that the local government seek to collocate public
289 facilities, such as parks, libraries, and community centers,
290 with schools to the extent possible and to encourage the use of

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291 elementary schools as focal points for neighborhoods. For
292 schools serving predominantly rural counties, defined as a
293 county with a population of 100,000 or fewer, an agricultural
294 land use category is ~~shall be~~ eligible for the location of
295 public school facilities if the local comprehensive plan
296 contains school siting criteria and the location is consistent
297 with such criteria. Local governments required to update or
298 amend their comprehensive plan to include criteria and address
299 compatibility of lands adjacent to an airport as defined in s.
300 330.35 and consistent with s. 333.02 ~~adjacent or closely~~
301 ~~proximate lands with existing military installations~~ in their
302 future land use plan element shall transmit the update or
303 amendment to the state land planning agency ~~department~~ by June
304 30, 2012 ~~2006~~.

305 (h)1. An intergovernmental coordination element showing
306 relationships and stating principles and guidelines to be used
307 in the accomplishment of coordination of the adopted
308 comprehensive plan with the plans of school boards, regional
309 water supply authorities, and other units of local government
310 providing services but not having regulatory authority over the
311 use of land, with the comprehensive plans of adjacent
312 municipalities, the county, adjacent counties, or the region,
313 with the state comprehensive plan and with the applicable
314 regional water supply plan approved pursuant to s. 373.0361, as
315 the case may require and as such adopted plans or plans in
316 preparation may exist. This element of the local comprehensive
317 plan shall demonstrate consideration of the particular effects
318 of the local plan, when adopted, upon the development of
319 adjacent municipalities, the county, adjacent counties, or the

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320 region, or upon the state comprehensive plan, as the case may
321 require.

322 a. The intergovernmental coordination element shall provide
323 ~~for~~ procedures to identify and implement joint planning areas,
324 especially for the purpose of annexation, municipal
325 incorporation, and joint infrastructure service areas.

326 b. The intergovernmental coordination element shall provide
327 for recognition of campus master plans prepared pursuant to s.
328 1013.30 and airport master plans under paragraph (k).

329 c. The intergovernmental coordination element may provide
330 for a voluntary dispute resolution process as established
331 pursuant to s. 186.509 for bringing to closure in a timely
332 manner intergovernmental disputes. A local government may
333 develop and use an alternative local dispute resolution process
334 for this purpose.

335 d. The intergovernmental coordination element shall provide
336 for interlocal agreements as established pursuant to s.
337 333.03(1)(b).

338 2. The intergovernmental coordination element shall further
339 state principles and guidelines to be used in the accomplishment
340 of coordination of the adopted comprehensive plan with the plans
341 of school boards and other units of local government providing
342 facilities and services but not having regulatory authority over
343 the use of land. In addition, the intergovernmental coordination
344 element shall describe joint processes for collaborative
345 planning and decisionmaking on population projections and public
346 school siting, the location and extension of public facilities
347 subject to concurrency, and siting facilities with countywide
348 significance, including locally unwanted land uses whose nature

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349 and identity are established in an agreement. Within 1 year of
350 adopting their intergovernmental coordination elements, each
351 county, all the municipalities within that county, the district
352 school board, and any unit of local government service providers
353 in that county shall establish by interlocal or other formal
354 agreement executed by all affected entities, the joint processes
355 described in this subparagraph consistent with their adopted
356 intergovernmental coordination elements.

357 3. To foster coordination between special districts and
358 local general-purpose governments as local general-purpose
359 governments implement local comprehensive plans, each
360 independent special district must submit a public facilities
361 report to the appropriate local government as required by s.
362 189.415.

363 4.a. Local governments shall ~~must~~ execute an interlocal
364 agreement with the district school board, the county, and
365 nonexempt municipalities pursuant to s. 163.31777. The local
366 government shall amend the intergovernmental coordination
367 element to provide that coordination between the local
368 government and school board is pursuant to the agreement and
369 shall state the obligations of the local government under the
370 agreement.

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

373 5. The state land planning agency shall establish a
374 schedule for phased completion and transmittal of plan
375 amendments to implement subparagraphs 1., 2., and 3. from all
376 jurisdictions so as to accomplish their adoption by December 31,
377 1999. A local government may complete and transmit its plan

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378 amendments to carry out these provisions prior to the scheduled
379 date established by the state land planning agency. The plan
380 amendments are exempt from the provisions of s. 163.3187(1).

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

385 a. Identifies all existing or proposed interlocal service
386 delivery agreements regarding the following: education; sanitary
387 sewer; public safety; solid waste; drainage; potable water;
388 parks and recreation; and transportation facilities.

389 b. Identifies any deficits or duplication in the provision
390 of services within its jurisdiction, whether capital or
391 operational. Upon request, the Department of Community Affairs
392 shall provide technical assistance to the local governments in
393 identifying deficits or duplication.

394 7. Within 6 months after submission of the report, the
395 Department of Community Affairs shall, through the appropriate
396 regional planning council, coordinate a meeting of all local
397 governments within the regional planning area to discuss the
398 reports and potential strategies to remedy any identified
399 deficiencies or duplications.

400 8. Each local government shall update its intergovernmental
401 coordination element based upon the findings in the report
402 submitted pursuant to subparagraph 6. The report may be used as
403 supporting data and analysis for the intergovernmental
404 coordination element.

405 (j) For each unit of local government within an urbanized
406 area designated for purposes of s. 339.175, a transportation

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407 element, which must ~~shall~~ be prepared and adopted in lieu of the
408 requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
409 and (d) and which shall address the following issues:

410 1. Traffic circulation, including major thoroughfares and
411 other routes, including bicycle and pedestrian ways.

412 2. All alternative modes of travel, such as public
413 transportation, pedestrian, and bicycle travel.

414 3. Parking facilities.

415 4. Aviation, rail, seaport facilities, access to those
416 facilities, and intermodal terminals.

417 5. The availability of facilities and services to serve
418 existing land uses and the compatibility between future land use
419 and transportation elements.

420 6. The capability to evacuate the coastal population prior
421 to an impending natural disaster.

422 7. Airports, projected airport and aviation development,
423 and land use compatibility around airports, which includes areas
424 defined in ss. 333.01 and 333.02.

425 8. An identification of land use densities, building
426 intensities, and transportation management programs to promote
427 public transportation systems in designated public
428 transportation corridors so as to encourage population densities
429 sufficient to support such systems.

430 9. May include transportation corridors, as defined in s.
431 334.03, intended for future transportation facilities designated
432 pursuant to s. 337.273. If transportation corridors are
433 designated, the local government may adopt a transportation
434 corridor management ordinance.

435 10. The incorporation of transportation strategies to

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436 address reduction in greenhouse gas emissions from the
437 transportation sector.

438 Section 5. Subsection (3) of section 163.3178, Florida
439 Statutes, is amended to read:

440 163.3178 Coastal management.—

441 (3) Expansions to port harbors, spoil disposal sites,
442 navigation channels, turning basins, harbor berths, and other
443 related inwater harbor facilities of ports listed in s.
444 403.021(9); port transportation facilities and projects listed
445 in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities
446 identified pursuant to s. 311.09(3); and facilities determined
447 by the Department of Community Affairs and applicable general-
448 purpose local government to be port-related industrial or
449 commercial projects located within 3 miles of or in a port
450 master plan area which rely upon the use of port and intermodal
451 transportation facilities may ~~shall~~ not be designated as
452 developments of regional impact ~~if where~~ such expansions,
453 projects, or facilities are consistent with comprehensive master
454 plans that are in compliance with this section.

455 Section 6. Paragraph (c) is added to subsection (2) of
456 section 163.3182, Florida Statutes, and paragraph (d) of
457 subsection (3) and subsections (4), (5), and (8) of that section
458 are amended, to read:

459 163.3182 Transportation concurrency backlogs.—

460 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
461 AUTHORITIES.—

462 (c) The Legislature finds and declares that there exists in
463 many counties and municipalities areas that have significant
464 transportation deficiencies and inadequate transportation

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465 facilities; that many insufficiencies and inadequacies severely
466 limit or prohibit the satisfaction of transportation concurrency
467 standards; that the transportation insufficiencies and
468 inadequacies affect the health, safety, and welfare of the
469 residents of these counties and municipalities; that the
470 transportation insufficiencies and inadequacies adversely affect
471 economic development and growth of the tax base for the areas in
472 which these insufficiencies and inadequacies exist; and that the
473 elimination of transportation deficiencies and inadequacies and
474 the satisfaction of transportation concurrency standards are
475 paramount public purposes for the state and its counties and
476 municipalities.

477 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
478 AUTHORITY.—Each transportation concurrency backlog authority has
479 the powers necessary or convenient to carry out the purposes of
480 this section, including the following powers in addition to
481 others granted in this section:

482 (d) To borrow money, including, but not limited to, issuing
483 debt obligations such as, but not limited to, bonds, notes,
484 certificates, and similar debt instruments; to apply for and
485 accept advances, loans, grants, contributions, and any other
486 forms of financial assistance from the Federal Government or the
487 state, county, or any other public body or from any sources,
488 public or private, for the purposes of this part; to give such
489 security as may be required; to enter into and carry out
490 contracts or agreements; and to include in any contracts for
491 financial assistance with the Federal Government for or with
492 respect to a transportation concurrency backlog project and
493 related activities such conditions imposed under ~~pursuant to~~

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494 federal laws as the transportation concurrency backlog authority
495 considers reasonable and appropriate and which are not
496 inconsistent with the purposes of this section.

497 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—

498 (a) Each transportation concurrency backlog authority shall
499 adopt a transportation concurrency backlog plan as a part of the
500 local government comprehensive plan within 6 months after the
501 creation of the authority. The plan must ~~shall~~:

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

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

509 3. Establish a schedule for financing and construction of
510 transportation concurrency backlog projects that will eliminate
511 transportation concurrency backlogs within the jurisdiction of
512 the authority within 10 years after the transportation
513 concurrency backlog plan adoption. The schedule shall be adopted
514 as part of the local government comprehensive plan.

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

517
518 Notwithstanding such schedule requirements, as long as the
519 schedule provides for the elimination of all transportation
520 concurrency backlogs within 10 years after the adoption of the
521 concurrency backlog plan, the final maturity date of any debt
522 incurred to finance or refinance the related projects may be no

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523 later than 40 years after the date the debt is incurred and the
524 authority may continue operations and administer the trust fund
525 established as provided in subsection (5) for as long as the
526 debt remains outstanding.

527 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
528 concurrency backlog authority shall establish a local
529 transportation concurrency backlog trust fund upon creation of
530 the authority. Each local trust fund shall be administered by
531 the transportation concurrency backlog authority within which a
532 transportation concurrency backlog has been identified. Each
533 local trust fund must continue to be funded under this section
534 for as long as the projects set forth in the related
535 transportation concurrency backlog plan remain to be completed
536 or until any debt incurred to finance or refinance the related
537 projects are no longer outstanding, whichever occurs later.
538 Beginning in the first fiscal year after the creation of the
539 authority, each local trust fund shall be funded by the proceeds
540 of an ad valorem tax increment collected within each
541 transportation concurrency backlog area to be determined
542 annually and shall be a minimum of 25 percent of the difference
543 between the amounts set forth in paragraphs (a) and (b), except
544 that if all of the affected taxing authorities agree under an
545 interlocal agreement, a particular local trust fund may be
546 funded by the proceeds of an ad valorem tax increment greater
547 than 25 percent of the difference between the amounts set forth
548 in paragraphs (a) and (b):

549 (a) The amount of ad valorem tax levied each year by each
550 taxing authority, exclusive of any amount from any debt service
551 millage, on taxable real property contained within the

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552 jurisdiction of the transportation concurrency backlog authority
553 and within the transportation backlog area; and

554 (b) The amount of ad valorem taxes which would have been
555 produced by the rate upon which the tax is levied each year by
556 or for each taxing authority, exclusive of any debt service
557 millage, upon the total of the assessed value of the taxable
558 real property within the transportation concurrency backlog area
559 as shown on the most recent assessment roll used in connection
560 with the taxation of such property of each taxing authority
561 prior to the effective date of the ordinance funding the trust
562 fund.

563 (8) DISSOLUTION.—Upon completion of all transportation
564 concurrency backlog projects and repayment or defeasance of all
565 debt issued to finance or refinance such projects, a
566 transportation concurrency backlog authority shall be dissolved,
567 and its assets and liabilities ~~shall be~~ transferred to the
568 county or municipality within which the authority is located.
569 All remaining assets of the authority must be used for
570 implementation of transportation projects within the
571 jurisdiction of the authority. The local government
572 comprehensive plan shall be amended to remove the transportation
573 concurrency backlog plan.

574 Section 7. Paragraph (c) of subsection (9) of section
575 287.055, Florida Statutes, is amended to read:

576 287.055 Acquisition of professional architectural,
577 engineering, landscape architectural, or surveying and mapping
578 services; definitions; procedures; contingent fees prohibited;
579 penalties.—

580 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

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581 (c) Except as otherwise provided in s. 337.11(8) ~~s.~~
582 ~~337.11(7)~~, the Department of Management Services shall adopt
583 rules for the award of design-build contracts to be followed by
584 state agencies. Each other agency must adopt rules or ordinances
585 for the award of design-build contracts. Municipalities,
586 political subdivisions, school districts, and school boards
587 shall award design-build contracts by the use of a competitive
588 proposal selection process as described in this subsection, or
589 by the use of a qualifications-based selection process pursuant
590 to subsections (3), (4), and (5) for entering into a contract
591 whereby the selected firm will, subsequent to competitive
592 negotiations, establish a guaranteed maximum price and
593 guaranteed completion date. If the procuring agency elects the
594 option of qualifications-based selection, during the selection
595 of the design-build firm the procuring agency shall employ or
596 retain a licensed design professional appropriate to the project
597 to serve as the agency's representative. Procedures for the use
598 of a competitive proposal selection process must include as a
599 minimum the following:

- 600 1. The preparation of a design criteria package for the
601 design and construction of the public construction project.
- 602 2. The qualification and selection of no fewer than three
603 design-build firms as the most qualified, based on the
604 qualifications, availability, and past work of the firms,
605 including the partners or members thereof.
- 606 3. The criteria, procedures, and standards for the
607 evaluation of design-build contract proposals or bids, based on
608 price, technical, and design aspects of the public construction
609 project, weighted for the project.

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610 4. The solicitation of competitive proposals, pursuant to a
611 design criteria package, from those qualified design-build firms
612 and the evaluation of the responses or bids submitted by those
613 firms based on the evaluation criteria and procedures
614 established prior to the solicitation of competitive proposals.

615 5. For consultation with the employed or retained design
616 criteria professional concerning the evaluation of the responses
617 or bids submitted by the design-build firms, the supervision or
618 approval by the agency of the detailed working drawings of the
619 project; and for evaluation of the compliance of the project
620 construction with the design criteria package by the design
621 criteria professional.

622 6. In the case of public emergencies, for the agency head
623 to declare an emergency and authorize negotiations with the best
624 qualified design-build firm available at that time.

625 Section 8. Notwithstanding any law to the contrary, a
626 county, municipality, or special district may not own or operate
627 an asphalt plant or a portable or stationary concrete batch
628 plant having an independent mixer; however, this prohibition
629 does not apply to any county that owns or is under contract to
630 purchase an asphalt plant as of April 15, 2009, and that
631 furnishes its plant-generated asphalt solely for use by local
632 governments or companies under contract with local governments
633 for projects within the boundaries of the county. Sale of plant-
634 generated asphalt to private entities or local governments
635 outside the boundaries of the county is prohibited.

636 Section 9. Present subsections (7), (8), (9), (10), (11),
637 (12), (13), (14), and (15) of section 337.11, Florida Statutes,
638 are renumbered as subsections (8), (9), (10), (11), (12), (13),

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639 (14), (15), and (16), respectively, a new subsection (7) is
640 added to that section, and present subsection (7) of that
641 subsection is amended, to read:

642 337.11 Contracting authority of department; bids; emergency
643 repairs, supplemental agreements, and change orders; combined
644 design and construction contracts; progress payments; records;
645 requirements of vehicle registration.-

646 (7) If the department determines that it is in the best
647 interest of the public, the department may pay a stipend to
648 unsuccessful firms who have submitted responsive proposals for
649 construction or maintenance contracts. The decision and amount
650 of a stipend must be based upon the department's analysis of the
651 estimated proposal development costs and the anticipated degree
652 of competition during the procurement process. Stipends must be
653 used to encourage competition and compensate unsuccessful firms
654 for a portion of their proposal development costs. The
655 department shall retain the right to use ideas from unsuccessful
656 firms that accept a stipend.

657 (8)-(7)-(a) If the head of the department determines that it
658 is in the best interests of the public, the department may
659 combine the design and construction phases of a building, a
660 major bridge, a limited access facility, or a rail corridor
661 project into a single contract. Such contract is referred to as
662 a design-build contract. The department's goal is to procure up
663 to 25 percent of the construction contracts that add capacity in
664 the 5-year adopted work program as design-build contracts by
665 July 1, 2014. Design-build contracts may be advertised and
666 awarded notwithstanding the requirements of paragraph (3) (c).
667 However, construction activities may not begin on any portion of

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668 such projects for which the department has not yet obtained
669 title to the necessary rights-of-way and easements for the
670 construction of that portion of the project has vested in the
671 state or a local governmental entity and all railroad crossing
672 and utility agreements have been executed. Title to rights-of-
673 way shall be deemed to have vested in the state when the title
674 has been dedicated to the public or acquired by prescription.

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

- 678 1. Prequalification requirements.
- 679 2. Public announcement procedures.
- 680 3. Scope of service requirements.
- 681 4. Letters of interest requirements.
- 682 5. Short-listing criteria and procedures.
- 683 6. Bid proposal requirements.
- 684 7. Technical review committee.
- 685 8. Selection and award processes.
- 686 9. Stipend requirements.

687 (c) The department must receive at least three letters of
688 interest in order to proceed with a request for proposals. The
689 department shall request proposals from no fewer than three of
690 the design-build firms submitting letters of interest. If a
691 design-build firm withdraws from consideration after the
692 department requests proposals, the department may continue if at
693 least two proposals are received.

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

696 337.14 Application for qualification; certificate of

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697 qualification; restrictions; request for hearing.-

698 (7) No "contractor" as defined in s. 337.165(1)(d) or his
699 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
700 the department under this section may also qualify under s.
701 287.055 or s. 337.105 to provide testing services, construction,
702 engineering, and inspection services to the department. This
703 limitation does ~~shall~~ not apply to any design-build
704 prequalification under s. 337.11(8) ~~s. 337.11(7)~~.

705 Section 11. Subsection (2) of section 337.16, Florida
706 Statutes, is amended to read:

707 337.16 Disqualification of delinquent contractors from
708 bidding; determination of contractor nonresponsibility; denial,
709 suspension, and revocation of certificates of qualification;
710 grounds; hearing.-

711 (2) For reasons other than delinquency in progress, the
712 department, for good cause, may determine any contractor not
713 having a certificate of qualification nonresponsible for a
714 specified period of time or may deny, suspend, or revoke any
715 certificate of qualification. Good cause includes, but is not
716 limited to, circumstances in which a contractor or the
717 contractor's official representative:

718 (a) Makes or submits to the department false, deceptive, or
719 fraudulent statements or materials in any bid proposal to the
720 department, any application for a certificate of qualification,
721 any certification of payment pursuant to s. 337.11(11) ~~s.~~
722 ~~337.11(10)~~, or any administrative or judicial proceeding;

723 (b) Becomes insolvent or is the subject of a bankruptcy
724 petition;

725 (c) Fails to comply with contract requirements, in terms of

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726 payment or performance record, or to timely furnish contract
727 documents as required by the contract or by any state or federal
728 statute or regulation;

729 (d) Wrongfully employs or otherwise provides compensation
730 to any employee or officer of the department, or willfully
731 offers an employee or officer of the department any pecuniary or
732 other benefit with the intent to influence the employee or
733 officer's official action or judgment;

734 (e) Is an affiliate of a contractor who has been determined
735 nonresponsible or whose certificate of qualification has been
736 suspended or revoked and the affiliate is dependent upon such
737 contractor for personnel, equipment, bonding capacity, or
738 finances; or

739 (f) Fails to register, pursuant to chapter 320, motor
740 vehicles that he or she operates in this state.

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

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

746 (1)

747 (b) Before beginning any work under the contract, the
748 contractor shall maintain a copy of the payment and performance
749 bond required under this section at its principal place of
750 business and at the jobsite office, if one is established, and
751 the contractor shall provide a copy of the payment and
752 performance bond within 5 days after receiving a written request
753 for the bond. A copy of the payment and performance bond
754 required under this section may also be obtained directly from

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755 the department by making a request pursuant to chapter 119. Upon
756 ~~execution of the contract, and prior to beginning any work under~~
757 ~~the contract, the contractor shall record in the public records~~
758 ~~of the county where the improvement is located the payment and~~
759 ~~performance bond required under this section. A claimant has~~
760 ~~shall have~~ a right of action against the contractor and surety
761 for the amount due him or her, including unpaid finance charges
762 due under the claimant's contract. The ~~Such~~ action may ~~shall~~ not
763 involve the department in any expense.

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

766 337.185 State Arbitration Board.—

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

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784 process established by this section has been exhausted.

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

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

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

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813 Statutes, is amended to read:

814 337.403 Relocation of utility; expenses.—

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

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

838 (b) When a joint agreement between the department and the
839 utility is executed for utility improvement, relocation, or
840 removal work to be accomplished as part of a contract for
841 construction of a transportation facility, the department may

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

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

857 (d) If the utility facility being removed or relocated was
858 initially installed to exclusively serve the department, its
859 tenants, or both, the department shall bear the costs of
860 removing or relocating that utility facility. However, the
861 department is not responsible for bearing the cost of removing
862 or relocating any subsequent additions to that facility for the
863 purpose of serving others.

864 (e) If, under an agreement between a utility and the
865 authority entered into after the effective date of this
866 subsection, the utility conveys, subordinates, or relinquishes a
867 compensable property right to the authority for the purpose of
868 accommodating the acquisition or use of the right-of-way by the
869 authority, without the agreement expressly addressing future
870 responsibility for the cost of removing or relocating the

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871 utility, the authority shall bear the cost of removal or
872 relocation. This paragraph does not impair or restrict, and may
873 not be used to interpret, the terms of any such agreement
874 entered into before the effective date of this paragraph.

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

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

885 337.408 Regulation of benches, transit shelters, street
886 light poles, waste disposal receptacles, and modular news racks
887 within rights-of-way.-

888 (4) The department has the authority to direct the
889 immediate relocation or removal of any bench, transit shelter,
890 waste disposal receptacle, public pay telephone, or modular news
891 rack that ~~which~~ endangers life or property, except that transit
892 bus benches that were ~~which have been~~ placed in service before
893 ~~prior to~~ April 1, 1992, are not required to comply with bench
894 size and advertising display size requirements ~~which have been~~
895 established by the department before ~~prior to~~ March 1, 1992. Any
896 transit bus bench that was in service before ~~prior to~~ April 1,
897 1992, may be replaced with a bus bench of the same size or
898 smaller, if the bench is damaged or destroyed or otherwise
899 becomes unusable. The department may ~~is authorized to~~ adopt

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900 rules relating to the regulation of bench size and advertising
901 display size requirements. If a municipality or county within
902 which a bench is to be located has adopted an ordinance or other
903 applicable regulation that establishes bench size or advertising
904 display sign requirements different from requirements specified
905 in department rule, the local government requirement applies
906 ~~shall be applicable~~ within the respective municipality or
907 county. Placement of any bench or advertising display on the
908 National Highway System under a local ordinance or regulation
909 adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to
910 approval of the Federal Highway Administration.

911 (5) A ~~No~~ bench, transit shelter, waste disposal receptacle,
912 public pay telephone, or modular news rack, or advertising
913 thereon, may not ~~shall~~ be erected or ~~se~~ placed on the right-of-
914 way of any road in a manner that ~~which~~ conflicts with the
915 requirements of federal law, regulations, or safety standards,
916 thereby causing the state or any political subdivision the loss
917 of federal funds. Competition among persons seeking to provide
918 bench, transit shelter, waste disposal receptacle, public pay
919 telephone, or modular news rack services or advertising on such
920 benches, shelters, receptacles, public pay telephone, or news
921 racks may be regulated, restricted, or denied by the appropriate
922 local government entity consistent with ~~the provisions of~~ this
923 section.

924 (7) A public pay telephone, including advertising displayed
925 thereon, may be installed within the right-of-way limits of any
926 municipal, county, or state road, except on a limited access
927 highway, if the pay telephone is installed by a provider duly
928 authorized and regulated by the Public Service Commission under

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929 s. 364.3375, if the pay telephone is operated in accordance with
930 all applicable state and federal telecommunications regulations,
931 and if written authorization has been given to a public pay
932 telephone provider by the appropriate municipal or county
933 government. Each advertisement must be limited to a size no
934 greater than 8 square feet and a public pay telephone booth may
935 not display more than three advertisements at any given time. An
936 advertisement is not allowed on public pay telephones located in
937 rest areas, welcome centers, or other such facilities located on
938 an interstate highway.

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

941 338.01 Authority to establish and regulate limited access
942 facilities.—

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

947 Section 17. Present subsections (7) and (8) of section
948 338.165, Florida Statutes, are renumbered as subsections (8) and
949 (9), respectively, and a new subsection (7) is added to that
950 section, to read:

951 338.165 Continuation of tolls.—

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

954 Section 18. Section 338.166, Florida Statutes, is created
955 to read:

956 338.166 High-occupancy toll lanes or express lanes.—

957 (1) LEGISLATIVE FINDINGS.—

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958 (a) The Legislature finds that under s. 11, Art. VII of the
959 State Constitution, the Department of Transportation may request
960 the Division of Bond Finance to issue bonds secured by toll
961 revenues collected on high-occupancy toll lanes or express lanes
962 located on Interstate 95 in Miami-Dade and Broward Counties.

963 (b) The department may continue to collect the toll on the
964 high-occupancy toll lanes or express lanes after the discharge
965 of any bond indebtedness related to such project.

966 (c) All tolls so collected must first be used to pay the
967 annual cost of the operation, maintenance, and improvement of
968 the high-occupancy toll lanes or express lanes project or
969 associated transportation system. Any remaining toll revenue
970 from the high-occupancy toll lanes or express lanes must be used
971 by the department for the construction, maintenance, or
972 improvement of any road on the State Highway System.

973 (2) POWERS TO CONTINUE COLLECTING TOLLS.—Pursuant to law,
974 the department may continue to collect the toll on the high-
975 occupancy toll lanes or express lanes, implement variable rate
976 tolls on high-occupancy toll lanes or express lanes, and
977 allocate the collected tolls as authorized by law.

978 (3) SPECIFIC LIMITATIONS.—Except for high-occupancy toll
979 lanes or express lanes, tolls may not be charged for use of an
980 interstate highway when tolls were not charged as of July 1,
981 1997. This section does not apply to the turnpike system as
982 defined under the Florida Turnpike Enterprise Law.

983 Section 19. Paragraph (d) is added to subsection (1) of
984 section 338.2216, Florida Statutes, to read:

985 338.2216 Florida Turnpike Enterprise; powers and
986 authority.—

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987 (1)
988 (d) The Florida Turnpike Enterprise shall pursue and
989 implement new technologies and processes in its operations and
990 collection of tolls and the collection of other amounts
991 associated with road and infrastructure usage. Such technologies
992 and processes must include, without limitation, video billing
993 and variable pricing.

994 Section 20. Paragraph (b) of subsection (1) of section
995 338.223, Florida Statutes, is amended to read:

996 338.223 Proposed turnpike projects.—

997 (1)

998 (b) Any proposed turnpike project or improvement must ~~shall~~
999 be developed in accordance with the Florida Transportation Plan
1000 and the work program under ~~pursuant to~~ s. 339.135. Turnpike
1001 projects that add capacity, alter access, affect feeder roads,
1002 or affect the operation of the local transportation system must
1003 ~~shall~~ be included in the transportation improvement plan of the
1004 affected metropolitan planning organization. If such turnpike
1005 project does not fall within the jurisdiction of a metropolitan
1006 planning organization, the department shall notify the affected
1007 county and provide for public hearings in accordance with s.
1008 339.155(5)(c) ~~s.339.155(6)(e)~~.

1009 Section 21. Section 338.231, Florida Statutes, is amended
1010 to read:

1011 338.231 Turnpike tolls, fixing; pledge of tolls and other
1012 revenues.—The department shall at all times fix, adjust, charge,
1013 and collect such tolls and amounts for the use of the turnpike
1014 system as are required in order to provide a fund sufficient
1015 with other revenues of the turnpike system to pay the cost of

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1016 maintaining, improving, repairing, and operating such turnpike
1017 system; to pay the principal of and interest on all bonds issued
1018 to finance or refinance any portion of the turnpike system as
1019 the same become due and payable; and to create reserves for all
1020 such purposes.

1021 ~~(1) In the process of effectuating toll rate increases over~~
1022 ~~the period 1988 through 1992, the department shall, to the~~
1023 ~~maximum extent feasible, equalize the toll structure, within~~
1024 ~~each vehicle classification, so that the per mile toll rate will~~
1025 ~~be approximately the same throughout the turnpike system. New~~
1026 ~~turnpike projects may have toll rates higher than the uniform~~
1027 ~~system rate where such higher toll rates are necessary to~~
1028 ~~qualify the project in accordance with the financial criteria in~~
1029 ~~the turnpike law. Such higher rates may be reduced to the~~
1030 ~~uniform system rate when the project is generating sufficient~~
1031 ~~revenues to pay the full amount of debt service and operating~~
1032 ~~and maintenance costs at the uniform system rate. If, after 15~~
1033 ~~years of opening to traffic, the annual revenue of a turnpike~~
1034 ~~project does not meet or exceed the annual debt service~~
1035 ~~requirements and operating and maintenance costs attributable to~~
1036 ~~such project, the department shall, to the maximum extent~~
1037 ~~feasible, establish a toll rate for the project which is higher~~
1038 ~~than the uniform system rate as necessary to meet such annual~~
1039 ~~debt service requirements and operating and maintenance costs.~~
1040 ~~The department may, to the extent feasible, establish a~~
1041 ~~temporary toll rate at less than the uniform system rate for the~~
1042 ~~purpose of building patronage for the ultimate benefit of the~~
1043 ~~turnpike system. In no case shall the temporary rate be~~
1044 ~~established for more than 1 year. The requirements of this~~

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1045 ~~subsection shall not apply when the application of such~~
1046 ~~requirements would violate any covenant established in a~~
1047 ~~resolution or trust indenture relating to the issuance of~~
1048 ~~turnpike bonds.~~

1049 (1)~~(2)~~ Notwithstanding any other ~~provision of~~ law, the
1050 department may defer the scheduled July 1, 1993, toll rate
1051 increase on the Homestead Extension of the Florida Turnpike
1052 until July 1, 1995. The department may also advance funds to the
1053 Turnpike General Reserve Trust Fund to replace estimated lost
1054 revenues resulting from this deferral. The amount advanced must
1055 be repaid within 12 years from the date of advance; however, the
1056 repayment is subordinate to all other debt financing of the
1057 turnpike system outstanding at the time repayment is due.

1058 (2)~~(3)~~ The department shall publish a proposed change in
1059 the toll rate for the use of an existing toll facility, in the
1060 manner provided for in s. 120.54, which will provide for public
1061 notice and the opportunity for a public hearing before the
1062 adoption of the proposed rate change. When the department is
1063 evaluating a proposed turnpike toll project under s. 338.223 and
1064 has determined that there is a high probability that the project
1065 will pass the test of economic feasibility predicated on
1066 proposed toll rates, the toll rate that is proposed to be
1067 charged after the project is constructed must be adopted during
1068 the planning and project development phase of the project, in
1069 the manner provided for in s. 120.54, including public notice
1070 and the opportunity for a public hearing. For such a new
1071 project, the toll rate becomes effective upon the opening of the
1072 project to traffic.

1073 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,

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1074 2017, the department shall, to the maximum extent feasible,
1075 program sufficient funds in the tentative work program such that
1076 the percentage of turnpike toll and bond financed commitments in
1077 Miami-Dade County, Broward County, and Palm Beach County as
1078 compared to total turnpike toll and bond financed commitments
1079 shall be at least 90 percent of the share of net toll
1080 collections attributable to users of the turnpike system in
1081 Miami-Dade County, Broward County, and Palm Beach County as
1082 compared to total net toll collections attributable to users of
1083 the turnpike system. ~~The requirements of~~ This subsection does ~~de~~
1084 not apply when the application of such requirements would
1085 violate any covenant established in a resolution or trust
1086 indenture relating to the issuance of turnpike bonds. The
1087 department may at any time for economic considerations establish
1088 lower temporary toll rates for a new or existing toll facility
1089 for a period not to exceed 1 year, after which the toll rates
1090 adopted pursuant to s. 120.54 shall become effective.

1091 (b) The department shall also fix, adjust, charge, and
1092 collect such amounts needed to cover the costs of administering
1093 the different toll-collection and payment methods, and types of
1094 accounts being offered and used, in the manner provided for in
1095 s. 120.54 which will provide for public notice and the
1096 opportunity for a public hearing before adoption. Such amounts
1097 may stand alone, be incorporated in a toll rate structure, or be
1098 a combination of the two.

1099 (4) ~~(5)~~ When bonds are outstanding which have been issued to
1100 finance or refinance any turnpike project, the tolls and all
1101 other revenues derived from the turnpike system and pledged to
1102 such bonds shall be set aside as may be provided in the

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1103 resolution authorizing the issuance of such bonds or the trust
1104 agreement securing the same. The tolls or other revenues or
1105 other moneys so pledged and thereafter received by the
1106 department are immediately subject to the lien of such pledge
1107 without any physical delivery thereof or further act. The lien
1108 of any such pledge is valid and binding as against all parties
1109 having claims of any kind in tort or contract or otherwise
1110 against the department irrespective of whether such parties have
1111 notice thereof. Neither the resolution nor any trust agreement
1112 by which a pledge is created need be filed or recorded except in
1113 the records of the department.

1114 (5)~~(6)~~ In each fiscal year while any of the bonds of the
1115 Broward County Expressway Authority series 1984 and series 1986-
1116 A remain outstanding, the department is authorized to pledge
1117 revenues from the turnpike system to the payment of principal
1118 and interest of such series of bonds and the operation and
1119 maintenance expenses of the Sawgrass Expressway, to the extent
1120 gross toll revenues of the Sawgrass Expressway are insufficient
1121 to make such payments. The terms of an agreement relative to the
1122 pledge of turnpike system revenue will be negotiated with the
1123 parties of the 1984 and 1986 Broward County Expressway Authority
1124 lease-purchase agreements, and subject to the covenants of those
1125 agreements. The agreement must ~~shall~~ establish that the Sawgrass
1126 Expressway is ~~shall be~~ subject to the planning, management, and
1127 operating control of the department limited only by the terms of
1128 the lease-purchase agreements. The department shall provide for
1129 the payment of operation and maintenance expenses of the
1130 Sawgrass Expressway until such agreement is in effect. This
1131 pledge of turnpike system revenues is ~~shall be~~ subordinate to

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1132 the debt service requirements of any future issue of turnpike
1133 bonds, the payment of turnpike system operation and maintenance
1134 expenses, and subject to ~~provisions of~~ any subsequent resolution
1135 or trust indenture relating to the issuance of such turnpike
1136 bonds.

1137 (6)~~(7)~~ The use and disposition of revenues pledged to bonds
1138 are subject to ~~the provisions of~~ ss. 338.22-338.241 and such
1139 regulations as the resolution authorizing the issuance of the
1140 ~~such~~ bonds or such trust agreement may provide.

1141 Section 22. Subsection (4) of section 339.12, Florida
1142 Statutes, is amended to read:

1143 339.12 Aid and contributions by governmental entities for
1144 department projects; federal aid.-

1145 (4) (a) Before ~~Prior to~~ accepting the contribution of road
1146 bond proceeds, time warrants, or cash for which reimbursement is
1147 sought, the department shall enter into agreements with the
1148 governing body of the governmental entity for the project or
1149 project phases in accordance with specifications agreed upon
1150 between the department and the governing body of the
1151 governmental entity. The department may not ~~in no instance is to~~
1152 receive from such governmental entity an amount in excess of the
1153 actual cost of the project or project phase. By specific
1154 provision in the written agreement between the department and
1155 the governing body of the governmental entity, the department
1156 may agree to reimburse the governmental entity for the actual
1157 amount of the bond proceeds, time warrants, or cash used on a
1158 highway project or project phases that are not revenue producing
1159 and are contained in the department's adopted work program, or
1160 any public transportation project contained in the adopted work

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1161 program. Subject to appropriation of funds by the Legislature,
1162 the department may commit state funds for reimbursement of such
1163 projects or project phases. Reimbursement to the governmental
1164 entity for such a project or project phase must be made from
1165 funds appropriated by the Legislature, and reimbursement for the
1166 cost of the project or project phase is to begin in the year the
1167 project or project phase is scheduled in the work program as of
1168 the date of the agreement. Funds advanced under ~~pursuant to~~ this
1169 section, which were originally designated for transportation
1170 purposes and so reimbursed to a county or municipality, shall be
1171 used by the county or municipality for any transportation
1172 expenditure authorized under s. 336.025(7). Also, cities and
1173 counties may receive funds from persons, and reimburse those
1174 persons, for the purposes of this section. Such persons may
1175 include, but are not limited to, those persons defined in s.
1176 607.01401(19).

1177 (b) Before ~~Prior to~~ entering an agreement to advance a
1178 project or project phase under ~~pursuant to~~ this subsection and
1179 subsection (5), the department shall first update the estimated
1180 cost of the project or project phase and certify that the
1181 estimate is accurate and consistent with the amount estimated in
1182 the adopted work program. If the original estimate and the
1183 updated estimate vary, the department shall amend the adopted
1184 work program according to the amendatory procedures for the work
1185 program set forth in s. 339.135(7). The amendment shall reflect
1186 all corresponding increases and decreases to the affected
1187 projects within the adopted work program.

1188 (c) The department may enter into agreements under this
1189 subsection for a project or project phase not included in the

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1190 adopted work program. As used in this paragraph, the term
1191 "project phase" means acquisition of rights-of-way,
1192 construction, construction inspection, and related support
1193 phases. The project or project phase must be a high priority of
1194 the governmental entity. Reimbursement for a project or project
1195 phase must be made from funds appropriated by the Legislature
1196 pursuant to s. 339.135(5). All other provisions of this
1197 subsection apply to agreements entered into under this
1198 paragraph. The total amount of project agreements for projects
1199 or project phases not included in the adopted work program
1200 authorized by this paragraph may not at any time exceed \$250
1201 ~~\$100~~ million. However, notwithstanding the \$250 ~~such \$100~~
1202 million limit and any similar limit in s. 334.30, project
1203 advances for any inland county that has ~~with~~ a population
1204 greater than 500,000 dedicating amounts equal to \$500 million or
1205 more of its Local Government Infrastructure Surtax pursuant to
1206 s. 212.055(2) for improvements to the State Highway System which
1207 are included in the local metropolitan planning organization's
1208 or the department's long-range transportation plans shall be
1209 excluded from the calculation of the statewide limit of project
1210 advances.

1211 (d) The department may enter into agreements under this
1212 subsection with any county that has a population of 150,000 or
1213 fewer as determined by the most recent official estimate under
1214 s. 186.901 for a project or project phase not included in the
1215 adopted work program. As used in this paragraph, the term
1216 "project phase" means acquisition of rights-of-way,
1217 construction, construction inspection, and related support
1218 phases. The project or project phase must be a high priority of

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1219 the governmental entity. Reimbursement for a project or project
1220 phase must be made from funds appropriated by the Legislature
1221 under s. 339.135(5). All other provisions of this subsection
1222 apply to agreements entered into under this paragraph. The total
1223 amount of project agreements for projects or project phases not
1224 included in the adopted work program authorized by this
1225 paragraph may not at any time exceed \$200 million. The project
1226 must be included in the local government's adopted comprehensive
1227 plan. The department may enter into long-term repayment
1228 agreements of up to 30 years.

1229 Section 23. Paragraph (d) of subsection (7) of section
1230 339.135, Florida Statutes, is amended to read:

1231 339.135 Work program; legislative budget request;
1232 definitions; preparation, adoption, execution, and amendment.-

1233 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.-

1234 (d)1. Whenever the department proposes any amendment to the
1235 adopted work program, as defined in subparagraph (c)1. or
1236 subparagraph (c)3., which deletes or defers a construction phase
1237 on a capacity project, it shall notify each county affected by
1238 the amendment and each municipality within the county. The
1239 notification shall be issued in writing to the chief elected
1240 official of each affected county, each municipality within the
1241 county, and the chair of each affected metropolitan planning
1242 organization. Each affected county and each municipality in the
1243 county is encouraged to coordinate with each other in order to
1244 determine how the amendment affects local concurrency management
1245 and regional transportation planning efforts. Each affected
1246 county, and each municipality within the county, shall have 14
1247 days to provide written comments to the department regarding how

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1248 the amendment will affect its respective concurrency management
1249 systems, including whether any development permits were issued
1250 contingent upon the capacity improvement, if applicable. After
1251 receipt of written comments from the affected local governments,
1252 the department shall include any written comments submitted by
1253 such local governments in its preparation of the proposed
1254 amendment.

1255 2. Following the 14-day comment period in subparagraph 1.,
1256 if applicable, whenever the department proposes any amendment to
1257 the adopted work program, which amendment is defined in
1258 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1259 subparagraph (c)4., it shall submit the proposed amendment to
1260 the Governor for approval and shall immediately notify the
1261 chairs of the legislative appropriations committees, the chairs
1262 of the legislative transportation committees, each member of the
1263 Legislature who represents a district affected by the proposed
1264 amendment. It shall also notify each metropolitan planning
1265 organization affected by the proposed amendment, and each unit
1266 of local government affected by the proposed amendment, unless
1267 it provided to each the notification required by subparagraph 1.
1268 Such proposed amendment shall provide a complete justification
1269 of the need for the proposed amendment.

1270 3.2. The Governor may ~~shall~~ not approve a proposed
1271 amendment until 14 days following the notification required in
1272 subparagraph 2. ~~1.~~

1273 4.3. If either of the chairs of the legislative
1274 appropriations committees or the President of the Senate or the
1275 Speaker of the House of Representatives objects in writing to a
1276 proposed amendment within 14 days following notification and

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1277 specifies the reasons for such objection, the Governor shall
1278 disapprove the proposed amendment.

1279 Section 24. Section 339.155, Florida Statutes, is amended
1280 to read:

1281 339.155 Transportation planning.—

1282 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
1283 develop ~~and annually update~~ a statewide transportation plan, to
1284 be known as the Florida Transportation Plan. The plan shall be
1285 designed so as to be easily read and understood by the general
1286 public. The purpose of the Florida Transportation Plan is to
1287 establish and define the state's long-range transportation goals
1288 and objectives to be accomplished over a period of at least 20
1289 years within the context of the State Comprehensive Plan, and
1290 any other statutory mandates and authorizations and based upon
1291 the prevailing principles of: preserving the existing
1292 transportation infrastructure; enhancing Florida's economic
1293 competitiveness; and improving travel choices to ensure
1294 mobility. The Florida Transportation Plan shall consider the
1295 needs of the entire state transportation system and examine the
1296 use of all modes of transportation to effectively and
1297 efficiently meet such needs.

1298 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
1299 out a transportation planning process in conformance with s.
1300 334.046(1) ~~. which provides for consideration of projects and~~
1301 ~~strategies that will:~~

1302 ~~(a) Support the economic vitality of the United States,~~
1303 ~~Florida, and the metropolitan areas, especially by enabling~~
1304 ~~global competitiveness, productivity, and efficiency;~~

1305 ~~(b) Increase the safety and security of the transportation~~

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1306 ~~system for motorized and nonmotorized users;~~

1307 ~~(c) Increase the accessibility and mobility options~~
1308 ~~available to people and for freight;~~

1309 ~~(d) Protect and enhance the environment, promote energy~~
1310 ~~conservation, and improve quality of life;~~

1311 ~~(e) Enhance the integration and connectivity of the~~
1312 ~~transportation system, across and between modes throughout~~
1313 ~~Florida, for people and freight;~~

1314 ~~(f) Promote efficient system management and operation; and~~

1315 ~~(g) Emphasize the preservation of the existing~~
1316 ~~transportation system.~~

1317 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
1318 Transportation Plan shall be a unified, concise planning
1319 document that clearly defines the state's long-range
1320 transportation goals and objectives ~~and documents the~~
1321 ~~department's short-range objectives developed to further such~~
1322 ~~goals and objectives.~~ The plan must: ~~shall~~

1323 (a) Include a glossary that clearly and succinctly defines
1324 any and all phrases, words, or terms of art included in the
1325 plan, with which the general public may be unfamiliar. ~~and shall~~
1326 ~~consist of, at a minimum, the following components:~~

1327 (b) ~~(a)~~ Document ~~A long-range component documenting the~~
1328 ~~goals and long-term objectives necessary to implement the~~
1329 ~~results of the department's findings from its examination of the~~
1330 prevailing principles and criteria provided under ~~listed in~~
1331 ~~subsection (2) and s. 334.046(1).~~ ~~The long-range component must~~

1332 (c) Be developed in cooperation with the metropolitan
1333 planning organizations and reconciled, to the maximum extent
1334 feasible, with the long-range plans developed by metropolitan

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1335 planning organizations pursuant to s. 339.175. ~~The plan must~~
1336 ~~also~~

1337 (d) Be developed in consultation with affected local
1338 officials in nonmetropolitan areas and with any affected Indian
1339 tribal governments. ~~The plan must~~

1340 (e) Provide an examination of transportation issues likely
1341 to arise during at least a 20-year period. ~~The long-range~~
1342 ~~component shall~~

1343 (f) Be updated at least once every 5 years, or more often
1344 as necessary, to reflect substantive changes to federal or state
1345 law.

1346 ~~(b) A short-range component documenting the short-term~~
1347 ~~objectives and strategies necessary to implement the goals and~~
1348 ~~long-term objectives contained in the long-range component. The~~
1349 ~~short-range component must define the relationship between the~~
1350 ~~long-range goals and the short-range objectives, specify those~~
1351 ~~objectives against which the department's achievement of such~~
1352 ~~goals will be measured, and identify transportation strategies~~
1353 ~~necessary to efficiently achieve the goals and objectives in the~~
1354 ~~plan. It must provide a policy framework within which the~~
1355 ~~department's legislative budget request, the strategic~~
1356 ~~information resource management plan, and the work program are~~
1357 ~~developed. The short-range component shall serve as the~~
1358 ~~department's annual agency strategic plan pursuant to s.~~
1359 ~~186.021. The short-range component shall be developed consistent~~
1360 ~~with available and forecasted state and federal funds. The~~
1361 ~~short-range component shall also be submitted to the Florida~~
1362 ~~Transportation Commission.~~

1363 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~

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1364 ~~an annual performance report evaluating the operation of the~~
1365 ~~department for the preceding fiscal year. The report shall also~~
1366 ~~include a summary of the financial operations of the department~~
1367 ~~and shall annually evaluate how well the adopted work program~~
1368 ~~meets the short-term objectives contained in the short-range~~
1369 ~~component of the Florida Transportation Plan. This performance~~
1370 ~~report shall be submitted to the Florida Transportation~~
1371 ~~Commission and the legislative appropriations and transportation~~
1372 ~~committees.~~

1373 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

1374 (a) Upon request by local governmental entities, the
1375 department may in its discretion develop and design
1376 transportation corridors, arterial and collector streets,
1377 vehicular parking areas, and other support facilities which are
1378 consistent with the plans of the department for major
1379 transportation facilities. The department may render to local
1380 governmental entities or their planning agencies such technical
1381 assistance and services as are necessary so that local plans and
1382 facilities are coordinated with the plans and facilities of the
1383 department.

1384 (b) Each regional planning council, as provided for in s.
1385 186.504, or any successor agency thereto, shall develop, as an
1386 element of its strategic regional policy plan, transportation
1387 goals and policies. The transportation goals and policies must
1388 be prioritized to comply with the prevailing principles provided
1389 in subsection (2) and s. 334.046(1). The transportation goals
1390 and policies shall be consistent, to the maximum extent
1391 feasible, with the goals and policies of the metropolitan
1392 planning organization and the Florida Transportation Plan. The

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1393 transportation goals and policies of the regional planning
1394 council will be advisory only and shall be submitted to the
1395 department and any affected metropolitan planning organization
1396 for their consideration and comments. Metropolitan planning
1397 organization plans and other local transportation plans shall be
1398 developed consistent, to the maximum extent feasible, with the
1399 regional transportation goals and policies. The regional
1400 planning council shall review urbanized area transportation
1401 plans and any other planning products stipulated in s. 339.175
1402 and provide the department and respective metropolitan planning
1403 organizations with written recommendations which the department
1404 and the metropolitan planning organizations shall take under
1405 advisement. Further, the regional planning councils shall
1406 directly assist local governments which are not part of a
1407 metropolitan area transportation planning process in the
1408 development of the transportation element of their comprehensive
1409 plans as required by s. 163.3177.

1410 (c) Regional transportation plans may be developed in
1411 regional transportation areas in accordance with an interlocal
1412 agreement entered into pursuant to s. 163.01 by two or more
1413 contiguous metropolitan planning organizations; one or more
1414 metropolitan planning organizations and one or more contiguous
1415 counties, none of which is a member of a metropolitan planning
1416 organization; a multicounty regional transportation authority
1417 created by or pursuant to law; two or more contiguous counties
1418 that are not members of a metropolitan planning organization; or
1419 metropolitan planning organizations comprised of three or more
1420 counties.

1421 (d) The interlocal agreement must, at a minimum, identify

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1422 the entity that will coordinate the development of the regional
1423 transportation plan; delineate the boundaries of the regional
1424 transportation area; provide the duration of the agreement and
1425 specify how the agreement may be terminated, modified, or
1426 rescinded; describe the process by which the regional
1427 transportation plan will be developed; and provide how members
1428 of the entity will resolve disagreements regarding
1429 interpretation of the interlocal agreement or disputes relating
1430 to the development or content of the regional transportation
1431 plan. Such interlocal agreement shall become effective upon its
1432 recordation in the official public records of each county in the
1433 regional transportation area.

1434 (e) The regional transportation plan developed pursuant to
1435 this section must, at a minimum, identify regionally significant
1436 transportation facilities located within a regional
1437 transportation area and contain a prioritized list of regionally
1438 significant projects. The level-of-service standards for
1439 facilities to be funded under this subsection shall be adopted
1440 by the appropriate local government in accordance with s.
1441 163.3180(10). The projects shall be adopted into the capital
1442 improvements schedule of the local government comprehensive plan
1443 pursuant to s. 163.3177(3).

1444 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
1445 TRANSPORTATION PLANNING.—

1446 (a) During the development of the ~~long-range component of~~
1447 ~~the~~ Florida Transportation Plan and prior to substantive
1448 revisions, the department shall provide citizens, affected
1449 public agencies, representatives of transportation agency
1450 employees, other affected employee representatives, private

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1451 providers of transportation, and other known interested parties
1452 with an opportunity to comment on the proposed plan or
1453 revisions. These opportunities shall include, at a minimum,
1454 publishing a notice in the Florida Administrative Weekly and
1455 within a newspaper of general circulation within the area of
1456 each department district office.

1457 (b) During development of major transportation
1458 improvements, such as those increasing the capacity of a
1459 facility through the addition of new lanes or providing new
1460 access to a limited or controlled access facility or
1461 construction of a facility in a new location, the department
1462 shall hold one or more hearings prior to the selection of the
1463 facility to be provided; prior to the selection of the site or
1464 corridor of the proposed facility; and prior to the selection of
1465 and commitment to a specific design proposal for the proposed
1466 facility. Such public hearings shall be conducted so as to
1467 provide an opportunity for effective participation by interested
1468 persons in the process of transportation planning and site and
1469 route selection and in the specific location and design of
1470 transportation facilities. The various factors involved in the
1471 decision or decisions and any alternative proposals shall be
1472 clearly presented so that the persons attending the hearing may
1473 present their views relating to the decision or decisions which
1474 will be made.

1475 (c) Opportunity for design hearings:

1476 1. The department, prior to holding a design hearing, shall
1477 duly notify all affected property owners of record, as recorded
1478 in the property appraiser's office, by mail at least 20 days
1479 prior to the date set for the hearing. The affected property

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1480 owners shall be:

1481 a. Those whose property lies in whole or in part within 300
1482 feet on either side of the centerline of the proposed facility.

1483 b. Those whom the department determines will be
1484 substantially affected environmentally, economically, socially,
1485 or safetywise.

1486 2. For each subsequent hearing, the department shall
1487 publish notice prior to the hearing date in a newspaper of
1488 general circulation for the area affected. These notices must be
1489 published twice, with the first notice appearing at least 15
1490 days, but no later than 30 days, before the hearing.

1491 3. A copy of the notice of opportunity for the hearing must
1492 be furnished to the United States Department of Transportation
1493 and to the appropriate departments of the state government at
1494 the time of publication.

1495 4. The opportunity for another hearing shall be afforded in
1496 any case when proposed locations or designs are so changed from
1497 those presented in the notices specified above or at a hearing
1498 as to have a substantially different social, economic, or
1499 environmental effect.

1500 5. The opportunity for a hearing shall be afforded in each
1501 case in which the department is in doubt as to whether a hearing
1502 is required.

1503 Section 25. Subsection (3) and paragraphs (b) and (c) of
1504 subsection (4) of section 339.2816, Florida Statutes, are
1505 amended to read:

1506 339.2816 Small County Road Assistance Program.—

1507 (3) Beginning with fiscal year 1999-2000 until fiscal year
1508 2009-2010, and beginning again with fiscal year 2013-2014, up to

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1509 \$25 million annually from the State Transportation Trust Fund
 1510 may be used for the purposes of funding the Small County Road
 1511 Assistance Program as described in this section.

1512 (4)

1513 (b) In determining a county's eligibility for assistance
 1514 under this program, the department may consider whether the
 1515 county has attempted to keep county roads in satisfactory
 1516 condition, including the amount of local option fuel tax ~~and ad~~
 1517 ~~valorem millage rate~~ imposed by the county. The department may
 1518 also consider the extent to which the county has offered to
 1519 provide a match of local funds with state funds provided under
 1520 the program. At a minimum, small counties shall be eligible only
 1521 if:

1522 ~~1. the county has enacted the maximum rate of the local~~
 1523 ~~option fuel tax authorized by s. 336.025(1) (a), and has imposed~~
 1524 ~~an ad valorem millage rate of at least 8 mills; or~~

1525 ~~2. The county has imposed an ad valorem millage rate of 10~~
 1526 ~~mills.~~

1527 (c) The following criteria must ~~shall~~ be used to prioritize
 1528 road projects for funding under the program:

1529 1. The primary criterion is the physical condition of the
 1530 road as measured by the department.

1531 2. As secondary criteria the department may consider:

1532 a. Whether a road is used as an evacuation route.

1533 b. Whether a road has high levels of agricultural travel.

1534 c. Whether a road is considered a major arterial route.

1535 d. Whether a road is considered a feeder road.

1536 e. Whether a road is located in a fiscally constrained
 1537 county, as defined in s. 218.67(1).

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1538 ~~f.e.~~ Other criteria related to the impact of a project on
1539 the public road system or on the state or local economy as
1540 determined by the department.

1541 Section 26. Subsections (1) and (3) of section 339.2819,
1542 Florida Statutes, are amended to read:

1543 339.2819 Transportation Regional Incentive Program.—

1544 (1) There is created within the Department of
1545 Transportation a Transportation Regional Incentive Program for
1546 the purpose of providing funds to improve regionally significant
1547 transportation facilities in regional transportation areas
1548 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

1549 (3) The department shall allocate funding available for the
1550 Transportation Regional Incentive Program to the districts based
1551 on a factor derived from equal parts of population and motor
1552 fuel collections for eligible counties in regional
1553 transportation areas created pursuant to s. 339.155(4) ~~s.~~
1554 ~~339.155(5)~~.

1555 Section 27. Subsection (6) of section 339.285, Florida
1556 Statutes, is amended to read:

1557 339.285 Enhanced Bridge Program for Sustainable
1558 Transportation.—

1559 (6) Preference shall be given to bridge projects located on
1560 corridors that connect to the Strategic Intermodal System,
1561 created under s. 339.64, and that have been identified as
1562 regionally significant in accordance with s. 339.155(4)(c), (d),
1563 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

1564 Section 28. Part III of chapter 343, Florida Statutes,
1565 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
1566 343.76, and 343.77, is repealed.

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1567 Section 29. Subsection (4) of section 348.0003, Florida
1568 Statutes, is amended to read:

1569 348.0003 Expressway authority; formation; membership.—

1570 (4) (a) An authority may employ an executive secretary, an
1571 executive director, its own counsel and legal staff, technical
1572 experts, and such engineers and employees, permanent or
1573 temporary, as it may require and shall determine the
1574 qualifications and fix the compensation of such persons, firms,
1575 or corporations. An authority may employ a fiscal agent or
1576 agents; however, the authority must solicit sealed proposals
1577 from at least three persons, firms, or corporations for the
1578 performance of any services as fiscal agents. An authority may
1579 delegate to one or more of its agents or employees such of its
1580 power as it deems necessary to carry out the purposes of the
1581 Florida Expressway Authority Act, subject always to the
1582 supervision and control of the authority. Members of an
1583 authority may be removed from office by the Governor for
1584 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1585 (b) Members of an authority are entitled to receive from
1586 the authority their travel and other necessary expenses incurred
1587 in connection with the business of the authority as provided in
1588 s. 112.061, but they may not draw salaries or other
1589 compensation.

1590 (c) Members of each expressway an authority, transportation
1591 authority, bridge authority, or toll authority created pursuant
1592 to this chapter, chapter 343, or chapter 349, or pursuant to any
1593 other legislative enactment, shall be required to comply with
1594 the applicable financial disclosure requirements of s. 8, Art.
1595 II of the State Constitution. This paragraph does not subject a

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1596 statutorily created expressway authority, transportation
1597 authority, bridge authority, or toll authority, other than one
1598 created under this part, to any of the requirements of this part
1599 other than those contained in this paragraph.

1600 Section 30. Paragraph (c) is added to subsection (1) of
1601 section 348.0004, Florida Statutes, to read:

1602 348.0004 Purposes and powers.—

1603 (1)

1604 (c) Notwithstanding any other law, expressway authorities
1605 created under parts I-X of chapter 348 may index toll rates on
1606 toll facilities to the annual Consumer Price Index or similar
1607 inflation indicators. Once a toll rate index has been
1608 implemented pursuant to this paragraph, the toll rate index
1609 shall remain in place and may not be revoked. Toll rate index
1610 for inflation under this subsection must be adopted and approved
1611 by the expressway authority board at a public meeting and may be
1612 made no more frequently than once a year and must be made no
1613 less frequently than once every 5 years as necessary to
1614 accommodate cash toll rate schedules. Toll rates may be
1615 increased beyond these limits as directed by bond documents,
1616 covenants, or governing body authorization or pursuant to
1617 department administrative rule.

1618 Section 31. Subsection (1) of section 479.01, Florida
1619 Statutes, is amended to read:

1620 479.01 Definitions.—As used in this chapter, the term:

1621 (1) "Automatic changeable facing" means a facing that ~~which~~
1622 ~~through a mechanical system~~ is capable of delivering two or more
1623 advertising messages through an automated or remotely controlled
1624 process and shall not rotate so rapidly as to cause distraction

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1625 ~~to a motorist.~~

1626 Section 32. Subsections (1), (5), and (9) of section
1627 479.07, Florida Statutes, are amended to read:

1628 479.07 Sign permits.—

1629 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
1630 person may not erect, operate, use, or maintain, or cause to be
1631 erected, operated, used, or maintained, any sign on the State
1632 Highway System outside an urban incorporated area, as defined in
1633 s. 334.03(32), or on any portion of the interstate or federal-
1634 aid primary highway system without first obtaining a permit for
1635 the sign from the department and paying the annual fee as
1636 provided in this section. As used in ~~For purposes of~~ this
1637 section, the term "on any portion of the State Highway System,
1638 interstate, or federal-aid primary system" means ~~shall mean~~ a
1639 sign located within the controlled area which is visible from
1640 any portion of the main-traveled way of such system.

1641 (5)(a) For each permit issued, the department shall furnish
1642 to the applicant a serially numbered permanent metal permit tag.
1643 The permittee is responsible for maintaining a valid permit tag
1644 on each permitted sign facing at all times. The tag shall be
1645 securely attached to the sign facing or, if there is no facing,
1646 on the pole nearest the highway; and it shall be attached in
1647 such a manner as to be plainly visible from the main-traveled
1648 way. Effective July 1, 2011, the tag must be securely attached
1649 to the upper 50 percent of the pole nearest the highway and must
1650 be attached in such a manner as to be plainly visible from the
1651 main-traveled way. The permit becomes ~~will become~~ void unless
1652 the permit tag is properly and permanently displayed at the
1653 permitted site within 30 days after the date of permit issuance.

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1654 If the permittee fails to erect a completed sign on the
1655 permitted site within 270 days after the date on which the
1656 permit was issued, the permit will be void, and the department
1657 may not issue a new permit to that permittee for the same
1658 location for 270 days after the date on which the permit became
1659 void.

1660 (b) If a permit tag is lost, stolen, or destroyed, the
1661 permittee to whom the tag was issued must apply to the
1662 department for a replacement tag. The department shall adopt a
1663 rule establishing a service fee for replacement tags in an
1664 amount that will recover the actual cost of providing the
1665 replacement tag. Upon receipt of the application accompanied by
1666 the a service fee of \$3, the department shall issue a
1667 replacement permit tag. Alternatively, the permittee may provide
1668 its own replacement tag pursuant to department specifications
1669 that the department shall adopt by rule at the time it
1670 establishes the service fee for replacement tags.

1671 (9) (a) A permit shall not be granted for any sign for which
1672 a permit had not been granted by the effective date of this act
1673 unless such sign is located at least:

1674 1. One thousand five hundred feet from any other permitted
1675 sign on the same side of the highway, if on an interstate
1676 highway.

1677 2. One thousand feet from any other permitted sign on the
1678 same side of the highway, if on a federal-aid primary highway.

1679
1680 The minimum spacing provided in this paragraph does not preclude
1681 the permitting of V-type, back-to-back, side-to-side, stacked,
1682 or double-faced signs at the permitted sign site. If a sign is

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1683 visible from the controlled area of more than one highway
1684 subject to the jurisdiction of the department, the sign shall
1685 meet the permitting requirements of, and, if the sign meets the
1686 applicable permitting requirements, be permitted to, the highway
1687 having the more stringent permitting requirements.

1688 (b) A permit shall not be granted for a sign pursuant to
1689 this chapter to locate such sign on any portion of the
1690 interstate or federal-aid primary highway system, which sign:

1691 1. Exceeds 50 feet in sign structure height above the crown
1692 of the main-traveled way, if outside an incorporated area;

1693 2. Exceeds 65 feet in sign structure height above the crown
1694 of the main-traveled way, if inside an incorporated area; or

1695 3. Exceeds 950 square feet of sign facing including all
1696 embellishments.

1697 (c) Notwithstanding subparagraph (a)1., there is
1698 established a pilot program in Orange, Hillsborough, and Osceola
1699 Counties, and within the boundaries of the City of Miami, under
1700 which the distance between permitted signs on the same side of
1701 an interstate highway may be reduced to 1,000 feet if all other
1702 requirements of this chapter are met and if:

1703 1. The local government has adopted a plan, program,
1704 resolution, ordinance, or other policy encouraging the voluntary
1705 removal of signs in a downtown, historic, redevelopment, infill,
1706 or other designated area which also provides for a new or
1707 replacement sign to be erected on an interstate highway within
1708 that jurisdiction if a sign in the designated area is removed;

1709 2. The sign owner and the local government mutually agree
1710 to the terms of the removal and replacement; and

1711 3. The local government notifies the department of its

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1712 intention to allow such removal and replacement as agreed upon
1713 pursuant to subparagraph 2.

1714
1715 The department shall maintain statistics tracking the use of the
1716 provisions of this pilot program based on the notifications
1717 received by the department from local governments under this
1718 paragraph.

1719 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
1720 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
1721 1984, to become nonconforming.

1722 Section 33. Section 479.08, Florida Statutes, is amended to
1723 read:

1724 479.08 Denial or revocation of permit.—The department may
1725 ~~has the authority to~~ deny or revoke any permit requested or
1726 granted under this chapter in any case in which it determines
1727 that the application for the permit contains knowingly false or
1728 misleading information. The department may revoke any permit
1729 granted under this chapter in any case in which ~~or that~~ the
1730 permittee has violated any of the provisions of this chapter,
1731 unless such permittee, within 30 days after the receipt of
1732 notice by the department, ~~corrects such false or misleading~~
1733 ~~information and~~ complies with the provisions of this chapter.
1734 For the purpose of this section, the notice of violation issued
1735 by the department must describe in detail the alleged violation.
1736 Any person aggrieved by any action of the department in denying
1737 or revoking a permit under this chapter may, within 30 days
1738 after receipt of the notice, apply to the department for an
1739 administrative hearing pursuant to chapter 120. If a timely
1740 request for hearing has been filed and the department issues a

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1741 final order revoking a permit, such revocation shall be
1742 effective 30 days after the date of rendition. Except for
1743 department action pursuant to s. 479.107(1), the filing of a
1744 timely and proper notice of appeal shall operate to stay the
1745 revocation until the department's action is upheld.

1746 Section 34. Section 479.156, Florida Statutes, is amended
1747 to read:

1748 479.156 Wall murals.—Notwithstanding any other provision of
1749 this chapter, a municipality or county may permit and regulate
1750 wall murals within areas designated by such government. If a
1751 municipality or county permits wall murals, a wall mural that
1752 displays a commercial message and is within 660 feet of the
1753 nearest edge of the right-of-way within an area adjacent to the
1754 interstate highway system or the federal-aid primary highway
1755 system shall be located in an area that is zoned for industrial
1756 or commercial use and the municipality or county shall establish
1757 and enforce regulations for such areas that, at a minimum, set
1758 forth criteria governing the size, lighting, and spacing of wall
1759 murals consistent with the intent of the Highway Beautification
1760 Act of 1965 and with customary use. Whenever a municipality or
1761 county exercises such control and makes a determination of
1762 customary use pursuant to 23 U.S.C. s. 131(d), such
1763 determination shall be accepted in lieu of controls in the
1764 agreement between the state and the United States Department of
1765 Transportation, and the Department of Transportation shall
1766 notify the Federal Highway Administration pursuant to the
1767 agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A
1768 wall mural that is subject to municipal or county regulation and
1769 the Highway Beautification Act of 1965 must be approved by the

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1770 Department of Transportation and the Federal Highway
1771 Administration when required by federal law and federal
1772 regulation under ~~and may not violate~~ the agreement between the
1773 state and the United States Department of Transportation and ~~or~~
1774 ~~violate~~ federal regulations enforced by the Department of
1775 Transportation under s. 479.02(1). The existence of a wall mural
1776 as defined in s. 479.01(27) shall not be considered in
1777 determining whether a sign as defined in s. 479.01(17), either
1778 existing or new, is in compliance with s. 479.07(9)(a).

1779 Section 35. Subsections (1), (3), (4), and (5) of section
1780 479.261, Florida Statutes, are amended to read:

1781 479.261 Logo sign program.—

1782 (1) The department shall establish a logo sign program for
1783 the rights-of-way of the interstate highway system to provide
1784 information to motorists about available gas, food, lodging, ~~and~~
1785 camping, attractions, and other services, as approved by the
1786 Federal Highway Administration, at interchanges, through the use
1787 of business logos, and may include additional interchanges under
1788 the program. ~~A logo sign for nearby attractions may be added to~~
1789 ~~this program if allowed by federal rules.~~

1790 (a) An attraction as used in this chapter is defined as an
1791 establishment, site, facility, or landmark that ~~which~~ is open a
1792 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
1793 ~~an admission for entry;~~ ~~which~~ has as its principal focus family-
1794 oriented entertainment, cultural, educational, recreational,
1795 scientific, or historical activities; and that ~~which~~ is publicly
1796 recognized as a bona fide tourist attraction. ~~However, the~~
1797 ~~permits for businesses seeking to participate in the attractions~~
1798 ~~logo sign program shall be awarded by the department annually to~~

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1799 ~~the highest bidders, notwithstanding the limitation on fees in~~
1800 ~~subsection (5), which are qualified for available space at each~~
1801 ~~qualified location, but the fees therefor may not be less than~~
1802 ~~the fees established for logo participants in other logo~~
1803 ~~categories.~~

1804 (b) The department shall incorporate the use of RV-friendly
1805 markers on specific information logo signs for establishments
1806 that cater to the needs of persons driving recreational
1807 vehicles. Establishments that qualify for participation in the
1808 specific information logo program and that also qualify as "RV-
1809 friendly" may request the RV-friendly marker on their specific
1810 information logo sign. An RV-friendly marker must consist of a
1811 design approved by the Federal Highway Administration. The
1812 department shall adopt rules in accordance with chapter 120 to
1813 administer this paragraph, including rules setting forth the
1814 minimum requirements that establishments must meet in order to
1815 qualify as RV-friendly. These requirements shall include large
1816 parking spaces, entrances, and exits that can easily accommodate
1817 recreational vehicles and facilities having appropriate overhead
1818 clearances, if applicable.

1819 (c) The department may implement a 3-year rotation-based
1820 logo program providing for the removal and addition of
1821 participating businesses in the program.

1822 (3) Logo signs may be installed upon the issuance of an
1823 annual permit by the department or its agent and payment of a ~~an~~
1824 ~~application and~~ permit fee to the department or its agent.

1825 (4) The department may contract pursuant to s. 287.057 for
1826 the provision of services related to the logo sign program,
1827 including recruitment and qualification of businesses, review of

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1828 applications, permit issuance, and fabrication, installation,
1829 and maintenance of logo signs. The department may reject all
1830 proposals and seek another request for proposals or otherwise
1831 perform the work. ~~If the department contracts for the provision~~
1832 ~~of services for the logo sign program, the contract must~~
1833 ~~require, unless the business owner declines, that businesses~~
1834 ~~that previously entered into agreements with the department to~~
1835 ~~privately fund logo sign construction and installation be~~
1836 ~~reimbursed by the contractor for the cost of the signs which has~~
1837 ~~not been recovered through a previously agreed upon waiver of~~
1838 ~~fees.~~ The contract also may allow the contractor to retain a
1839 portion of the annual fees as compensation for its services.

1840 (5) Permit fees for businesses that participate in the
1841 program must be established in an amount sufficient to offset
1842 the total cost to the department for the program, including
1843 contract costs. The department shall provide the services in the
1844 most efficient and cost-effective manner through department
1845 staff or by contracting for some or all of the services. The
1846 department shall adopt rules that set reasonable rates based
1847 upon factors such as population, traffic volume, market demand,
1848 and costs for annual permit fees. However, annual permit fees
1849 for sign locations inside an urban area, as defined in s.
1850 334.03(32), may not exceed \$5,000, and annual permit fees for
1851 sign locations outside an urban area, as defined in s.
1852 334.03(32), may not exceed \$2,500. After recovering program
1853 costs, the proceeds from the logo program shall be deposited
1854 into the State Transportation Trust Fund and used for
1855 transportation purposes. Such annual permit fee may ~~shall~~ not
1856 exceed \$1,250.

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1857 Section 36. Business partnerships; display of names.-

1858 (1) School districts are encouraged to enter into
1859 partnerships with local businesses for the purposes of
1860 mentorship opportunities, development of employment options and
1861 additional funding sources, and other mutual benefits.

1862 (2) As a pilot program through June 30, 2011, the Palm
1863 Beach County School District may publicly display the names and
1864 recognitions of their business partners on school district
1865 property in unincorporated areas. Examples of appropriate
1866 business partner recognition include "Project Graduation" and
1867 athletic sponsorships. The district shall make every effort to
1868 display business partner names in a manner that is consistent
1869 with the county standards for uniformity in size, color, and
1870 placement of the signs. Whenever the provisions of this section
1871 are inconsistent with the provisions of the county ordinances or
1872 regulations relating to signs or the provisions of chapter 125,
1873 chapter 166, or chapter 479, Florida Statutes, in the
1874 unincorporated areas, the provisions of this section shall
1875 prevail.

1876 Section 37. Notwithstanding any provision of chapter 74-
1877 400, Laws of Florida, public funds may be used for the
1878 alteration of Old Cutler Road, between Southwest 136th Street
1879 and Southwest 184th Street, in the Village of Palmetto Bay.

1880 (1) The alteration may include the installation of
1881 sidewalks, curbing, and landscaping to enhance pedestrian access
1882 to the road.

1883 (2) The official approval of the project by the Department
1884 of State must be obtained before any alteration is started.

1885 Section 38. Section 120.52, Florida Statutes, is amended to

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1886 read:

1887 120.52 Definitions.—As used in this act:

1888 (1) "Agency" means:

1889 (a) The Governor in the exercise of all executive powers
1890 other than those derived from the constitution.

1891 (b) Each:

1892 1. State officer and state department, and each
1893 departmental unit described in s. 20.04.

1894 2. Authority, including a regional water supply authority.

1895 3. Board, including the Board of Governors of the State
1896 University System and a state university board of trustees when
1897 acting pursuant to statutory authority derived from the
1898 Legislature.

1899 4. Commission, including the Commission on Ethics and the
1900 Fish and Wildlife Conservation Commission when acting pursuant
1901 to statutory authority derived from the Legislature.

1902 5. Regional planning agency.

1903 6. Multicounty special district with a majority of its
1904 governing board comprised of nonelected persons.

1905 7. Educational units.

1906 8. Entity described in chapters 163, 373, 380, and 582 and
1907 s. 186.504.

1908 (c) Each other unit of government in the state, including
1909 counties and municipalities, to the extent they are expressly
1910 made subject to this act by general or special law or existing
1911 judicial decisions.

1912

1913 This definition does not include any legal entity or agency
1914 created in whole or in part pursuant to chapter 361, part II,

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1915 any metropolitan planning organization created pursuant to s.
1916 339.175, any separate legal or administrative entity created
1917 pursuant to s. 339.175 of which a metropolitan planning
1918 organization is a member, an expressway authority pursuant to
1919 chapter 348 or any transportation authority under chapter 343 or
1920 chapter 349, any legal or administrative entity created by an
1921 interlocal agreement pursuant to s. 163.01(7), unless any party
1922 to such agreement is otherwise an agency as defined in this
1923 subsection, or any multicounty special district with a majority
1924 of its governing board comprised of elected persons; however,
1925 this definition shall include a regional water supply authority.

1926 Section 39. The Legislature directs the Department of
1927 Transportation to establish an approved transportation
1928 methodology that recognizes that a planned, sustainable
1929 development of regional impact will likely achieve an internal
1930 capture rate greater than 30 percent when fully developed. The
1931 transportation methodology must use a regional transportation
1932 model that incorporates professionally accepted modeling
1933 techniques applicable to well-planned, sustainable communities
1934 of the size, location, mix of uses, and design features
1935 consistent with such communities. The adopted transportation
1936 methodology shall serve as the basis for sustainable development
1937 traffic impact assessments by the department. The methodology
1938 review must be completed and in use by March 1, 2011.

1939 Section 40. This act shall take effect upon becoming a law.