

By the Committee on Transportation

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1 A bill to be entitled
2 An act relating to transportation; requiring the
3 department to conduct a study of transportation
4 alternatives for the Interstate 95 corridor; amending
5 s. 20.23, F.S.; providing for the salary and benefits
6 of the executive director of the Florida
7 Transportation Commission to be set in accordance with
8 the Senior Management Service; amending s. 125.42,
9 F.S.; providing for counties to incur certain costs
10 related to the relocation or removal of certain
11 utility facilities under specified circumstances;
12 amending s. 163.3177, F.S.; revising requirements for
13 comprehensive plans; providing a timeframe for
14 submission of certain information to the state land
15 planning agency; providing for airports, land adjacent
16 to airports, and certain interlocal agreements
17 relating thereto in certain elements of the plan;
18 amending s. 163.3178, F.S.; providing that certain
19 port-related facilities may not be designated as
20 developments of regional impact under certain
21 circumstances; amending s. 163.3182, F.S., relating to
22 transportation concurrency backlog authorities;
23 providing legislative findings and declarations;
24 expanding the power of authorities to borrow money to
25 include issuing certain debt obligations; providing a
26 maximum maturity date for certain debt incurred to
27 finance or refinance certain transportation
28 concurrency backlog projects; authorizing authorities
29 to continue operations and administer certain trust

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30 funds for the period of the remaining outstanding
31 debt; requiring local transportation concurrency
32 backlog trust funds to continue to be funded for
33 certain purposes; providing for increased ad valorem
34 tax increment funding for such trust funds under
35 certain circumstances; revising provisions for
36 dissolution of an authority; amending s. 287.055,
37 F.S.; conforming a cross-reference; amending s.
38 337.11, F.S.; providing for the department to pay a
39 portion of certain proposal development costs;
40 requiring the department to advertise certain
41 contracts as design-build contracts; amending ss.
42 337.14 and 337.16, F.S.; conforming cross-references;
43 amending s. 337.18, F.S.; requiring the contractor to
44 maintain a copy of the required payment and
45 performance bond at certain locations and provide a
46 copy upon request; providing that a copy may be
47 obtained directly from the department; removing a
48 provision requiring that a copy be recorded in the
49 public records of the county; amending s. 337.185,
50 F.S.; providing for the State Arbitration Board to
51 arbitrate certain claims relating to maintenance
52 contracts; providing for a member of the board to be
53 elected by maintenance companies as well as
54 construction companies; amending s. 337.403, F.S.;
55 providing for the department or local governmental
56 entity to pay certain costs of removal or relocation
57 of a utility facility that is found to be interfering
58 with the use, maintenance, improvement, extension, or

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59 expansion of a public road or publicly owned rail
60 corridor under described circumstances; amending s.
61 337.408, F.S.; providing for public pay telephones and
62 advertising thereon to be installed within the right-
63 of-way limits of any municipal, county, or state road;
64 amending s. 338.01, F.S.; requiring new and
65 replacement electronic toll collection systems to be
66 interoperable with the department's system; amending
67 s. 338.165, F.S.; providing that provisions requiring
68 the continuation of tolls following the discharge of
69 bond indebtedness does not apply to high-occupancy
70 toll lanes or express lanes; creating s. 338.166,
71 F.S.; authorizing the department to request that bonds
72 be issued which are secured by toll revenues from
73 high-occupancy toll or express lanes in a specified
74 location; providing for the department to continue to
75 collect tolls after discharge of indebtedness;
76 authorizing the use of excess toll revenues for
77 improvements to the State Highway System; authorizing
78 the implementation of variable rate tolls on high-
79 occupancy toll lanes or express lanes; amending s.
80 338.2216, F.S.; directing the Florida Turnpike
81 Enterprise to implement new technologies and processes
82 in its operations and collection of tolls and other
83 amounts; amending s. 338.223, F.S.; conforming a
84 cross-reference; amending s. 338.231, F.S.; revising
85 provisions for establishing and collecting tolls;
86 authorizing the collection of amounts to cover costs
87 of toll collection and payment methods; requiring

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88 public notice and hearing; amending s. 339.12, F.S.;

89 revising requirements for aid and contributions by

90 governmental entities for transportation projects;

91 revising limits under which the department may enter

92 into an agreement with a county for a project or

93 project phase not in the adopted work program;

94 authorizing the department to enter into certain long-

95 term repayment agreements; amending s. 339.135, F.S.;

96 revising certain notice provisions that require the

97 Department of Transportation to notify local

98 governments regarding amendments to an adopted 5-year

99 work program; amending s. 339.155, F.S.; revising

100 provisions for development of the Florida

101 Transportation Plan; amending s. 339.2816, F.S.,

102 relating to the small county road assistance program;

103 providing for resumption of certain funding for the

104 program; revising the criteria for counties eligible

105 to participate in the program; amending ss. 339.2819

106 and 339.285, F.S.; conforming cross-references;

107 repealing part III of ch. 343 F.S., relating to the

108 Tampa Bay Commuter Transit Authority; amending s.

109 348.0003, F.S.; requiring financial disclosure for

110 members of expressway, transportation, bridge, or toll

111 authorities; amending s. 348.0004, F.S.; providing for

112 certain expressway authorities to index toll rate

113 increases; amending s. 479.01, F.S.; revising

114 provisions for outdoor advertising; revising the

115 definition of the term "automatic changeable facing";

116 amending s. 479.07, F.S.; revising a prohibition

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117 against signs on the State Highway System; revising
118 requirements for display of the sign permit tag;
119 directing the department to establish by rule a fee
120 for furnishing a replacement permit tag; revising the
121 pilot project for permitted signs to include
122 Hillsborough County and areas within the boundaries of
123 the City of Miami; amending s. 479.08, F.S.; revising
124 provisions for denial or revocation of a sign permit;
125 amending s. 479.156, F.S.; modifying local government
126 control of the regulation of wall murals adjacent to
127 certain federal highways; amending s. 479.261, F.S.;
128 revising requirements for the logo sign program of the
129 interstate highway system; deleting provisions
130 providing for permits to be awarded to the highest
131 bidders; requiring the department to implement a
132 rotation-based logo program; requiring the department
133 to adopt rules that set reasonable rates based on
134 certain factors for annual permit fees; requiring that
135 such fees not exceed a certain amount for sign
136 locations inside and outside an urban area; creating a
137 business partnership pilot program; authorizing the
138 Palm Beach County School District to display names of
139 business partners on district property in
140 unincorporated areas; exempting the program from
141 specified provisions; authorizing the expenditure of
142 public funds for certain alterations of Old Cutler
143 Road in the Village of Palmetto Bay; requiring the
144 official approval of the Department of State before
145 any alterations may begin; amending s. 120.52, F.S.;

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146 redefining the term "agency" for purposes of ch. 120,
147 F.S., to include certain regional transportation and
148 transit authorities; directing the Department of
149 Transportation to establish an approved transportation
150 methodology for certain purpose; providing
151 requirements; providing an effective date.

152

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

154

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

172 Section 2. Paragraph (h) of subsection (2) of section
173 20.23, Florida Statutes, is amended to read:

174 20.23 Department of Transportation.—There is created a

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175 Department of Transportation which shall be a decentralized
176 agency.

177 (2)

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

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

195 125.42 Water, sewage, gas, power, telephone, other utility,
196 and television lines along county roads and highways.—

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

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

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204 163.3177 Required and optional elements of comprehensive
205 plan; studies and surveys.-

206 (6) In addition to the requirements of subsections (1)-(5)
207 and (12), the comprehensive plan shall include the following
208 elements:

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

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233 to military installations; lands adjacent to an airport as
234 defined in s. 330.35 and consistent with s. 333.02; the
235 discouragement of urban sprawl; energy-efficient land use
236 patterns accounting for existing and future electric power
237 generation and transmission systems; greenhouse gas reduction
238 strategies; and, in rural communities, the need for job
239 creation, capital investment, and economic development that will
240 strengthen and diversify the community's economy. The future
241 land use plan may designate areas for future planned development
242 use involving combinations of types of uses for which special
243 regulations may be necessary to ensure development in accord
244 with the principles and standards of the comprehensive plan and
245 this act. The future land use plan element shall include
246 criteria to be used to achieve the compatibility of adjacent or
247 closely proximate lands with military installations; lands
248 adjacent to an airport as defined in s. 330.35 and consistent
249 with s. 333.02. In addition, for rural communities, the amount
250 of land designated for future planned industrial use shall be
251 based upon surveys and studies that reflect the need for job
252 creation, capital investment, and the necessity to strengthen
253 and diversify the local economies, and may ~~shall~~ not be limited
254 solely by the projected population of the rural community. The
255 future land use plan of a county may also designate areas for
256 possible future municipal incorporation. The land use maps or
257 map series shall generally identify and depict historic district
258 boundaries and shall designate historically significant
259 properties meriting protection. For coastal counties, the future
260 land use element must include, without limitation, regulatory
261 incentives and criteria that encourage the preservation of

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262 recreational and commercial working waterfronts as defined in s.
263 342.07. The future land use element must clearly identify the
264 land use categories in which public schools are an allowable
265 use. When delineating the land use categories in which public
266 schools are an allowable use, a local government shall include
267 in the categories sufficient land proximate to residential
268 development to meet the projected needs for schools in
269 coordination with public school boards and may establish
270 differing criteria for schools of different type or size. Each
271 local government shall include lands contiguous to existing
272 school sites, to the maximum extent possible, within the land
273 use categories in which public schools are an allowable use. The
274 failure by a local government to comply with these school siting
275 requirements will result in the prohibition of the local
276 government's ability to amend the local comprehensive plan,
277 except for plan amendments described in s. 163.3187(1)(b), until
278 the school siting requirements are met. Amendments proposed by a
279 local government for purposes of identifying the land use
280 categories in which public schools are an allowable use are
281 exempt from the limitation on the frequency of plan amendments
282 contained in s. 163.3187. The future land use element shall
283 include criteria that encourage the location of schools
284 proximate to urban residential areas to the extent possible and
285 shall require that the local government seek to collocate public
286 facilities, such as parks, libraries, and community centers,
287 with schools to the extent possible and to encourage the use of
288 elementary schools as focal points for neighborhoods. For
289 schools serving predominantly rural counties, defined as a
290 county with a population of 100,000 or fewer, an agricultural

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291 land use category is ~~shall be~~ eligible for the location of
292 public school facilities if the local comprehensive plan
293 contains school siting criteria and the location is consistent
294 with such criteria. Local governments required to update or
295 amend their comprehensive plan to include criteria and address
296 compatibility of lands adjacent to an airport as defined in s.
297 330.35 and consistent with s. 333.02 ~~adjacent or closely~~
298 ~~proximate lands with existing military installations~~ in their
299 future land use plan element shall transmit the update or
300 amendment to the state land planning agency ~~department~~ by June
301 30, 2012 ~~2006~~.

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

319 a. The intergovernmental coordination element shall provide

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320 ~~for~~ procedures to identify and implement joint planning areas,
321 especially for the purpose of annexation, municipal
322 incorporation, and joint infrastructure service areas.

323 b. The intergovernmental coordination element shall provide
324 for recognition of campus master plans prepared pursuant to s.
325 1013.30 and airport master plans under paragraph (k).

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

332 d. The intergovernmental coordination element shall provide
333 for interlocal agreements as established pursuant to s.
334 333.03(1)(b).

335 2. The intergovernmental coordination element shall further
336 state principles and guidelines to be used in the accomplishment
337 of coordination of the adopted comprehensive plan with the plans
338 of school boards and other units of local government providing
339 facilities and services but not having regulatory authority over
340 the use of land. In addition, the intergovernmental coordination
341 element shall describe joint processes for collaborative
342 planning and decisionmaking on population projections and public
343 school siting, the location and extension of public facilities
344 subject to concurrency, and siting facilities with countywide
345 significance, including locally unwanted land uses whose nature
346 and identity are established in an agreement. Within 1 year of
347 adopting their intergovernmental coordination elements, each
348 county, all the municipalities within that county, the district

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

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

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

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

370 5. The state land planning agency shall establish a
371 schedule for phased completion and transmittal of plan
372 amendments to implement subparagraphs 1., 2., and 3. from all
373 jurisdictions so as to accomplish their adoption by December 31,
374 1999. A local government may complete and transmit its plan
375 amendments to carry out these provisions prior to the scheduled
376 date established by the state land planning agency. The plan
377 amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

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

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

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

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- 407 1. Traffic circulation, including major thoroughfares and
408 other routes, including bicycle and pedestrian ways.
- 409 2. All alternative modes of travel, such as public
410 transportation, pedestrian, and bicycle travel.
- 411 3. Parking facilities.
- 412 4. Aviation, rail, seaport facilities, access to those
413 facilities, and intermodal terminals.
- 414 5. The availability of facilities and services to serve
415 existing land uses and the compatibility between future land use
416 and transportation elements.
- 417 6. The capability to evacuate the coastal population prior
418 to an impending natural disaster.
- 419 7. Airports, projected airport and aviation development,
420 and land use compatibility around airports, which includes areas
421 defined in ss. 333.01 and 333.02.
- 422 8. An identification of land use densities, building
423 intensities, and transportation management programs to promote
424 public transportation systems in designated public
425 transportation corridors so as to encourage population densities
426 sufficient to support such systems.
- 427 9. May include transportation corridors, as defined in s.
428 334.03, intended for future transportation facilities designated
429 pursuant to s. 337.273. If transportation corridors are
430 designated, the local government may adopt a transportation
431 corridor management ordinance.
- 432 10. The incorporation of transportation strategies to
433 address reduction in greenhouse gas emissions from the
434 transportation sector.
- 435 Section 5. Subsection (3) of section 163.3178, Florida

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436 Statutes, is amended to read:

437 163.3178 Coastal management.—

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

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

456 163.3182 Transportation concurrency backlogs.—

457 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
458 AUTHORITIES.—

459 (c) The Legislature finds and declares that there exists in
460 many counties and municipalities areas that have significant
461 transportation deficiencies and inadequate transportation
462 facilities; that many insufficiencies and inadequacies severely
463 limit or prohibit the satisfaction of transportation concurrency
464 standards; that the transportation insufficiencies and

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

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

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

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494 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—

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

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

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

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

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

514
515 Notwithstanding such schedule requirements, as long as the
516 schedule provides for the elimination of all transportation
517 concurrency backlogs within 10 years after the adoption of the
518 concurrency backlog plan, the final maturity date of any debt
519 incurred to finance or refinance the related projects may be no
520 later than 40 years after the date the debt is incurred and the
521 authority may continue operations and administer the trust fund
522 established as provided in subsection (5) for as long as the

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523 debt remains outstanding.

524 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
525 concurrency backlog authority shall establish a local
526 transportation concurrency backlog trust fund upon creation of
527 the authority. Each local trust fund shall be administered by
528 the transportation concurrency backlog authority within which a
529 transportation concurrency backlog has been identified. Each
530 local trust fund must continue to be funded under this section
531 for as long as the projects set forth in the related
532 transportation concurrency backlog plan remain to be completed
533 or until any debt incurred to finance or refinance the related
534 projects are no longer outstanding, whichever occurs later.

535 Beginning in the first fiscal year after the creation of the
536 authority, each local trust fund shall be funded by the proceeds
537 of an ad valorem tax increment collected within each
538 transportation concurrency backlog area to be determined
539 annually and shall be a minimum of 25 percent of the difference
540 between the amounts set forth in paragraphs (a) and (b), except
541 that if all of the affected taxing authorities agree under an
542 interlocal agreement, a particular local trust fund may be
543 funded by the proceeds of an ad valorem tax increment greater
544 than 25 percent of the difference between the amounts set forth
545 in paragraphs (a) and (b):

546 (a) The amount of ad valorem tax levied each year by each
547 taxing authority, exclusive of any amount from any debt service
548 millage, on taxable real property contained within the
549 jurisdiction of the transportation concurrency backlog authority
550 and within the transportation backlog area; and

551 (b) The amount of ad valorem taxes which would have been

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552 produced by the rate upon which the tax is levied each year by
553 or for each taxing authority, exclusive of any debt service
554 millage, upon the total of the assessed value of the taxable
555 real property within the transportation concurrency backlog area
556 as shown on the most recent assessment roll used in connection
557 with the taxation of such property of each taxing authority
558 prior to the effective date of the ordinance funding the trust
559 fund.

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

571 Section 7. Paragraph (c) of subsection (9) of section
572 287.055, Florida Statutes, is amended to read:

573 287.055 Acquisition of professional architectural,
574 engineering, landscape architectural, or surveying and mapping
575 services; definitions; procedures; contingent fees prohibited;
576 penalties.—

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

578 (c) Except as otherwise provided in s. 337.11(8) ~~s.~~
579 ~~337.11(7)~~, the Department of Management Services shall adopt
580 rules for the award of design-build contracts to be followed by

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

597 1. The preparation of a design criteria package for the
598 design and construction of the public construction project.

599 2. The qualification and selection of no fewer than three
600 design-build firms as the most qualified, based on the
601 qualifications, availability, and past work of the firms,
602 including the partners or members thereof.

603 3. The criteria, procedures, and standards for the
604 evaluation of design-build contract proposals or bids, based on
605 price, technical, and design aspects of the public construction
606 project, weighted for the project.

607 4. The solicitation of competitive proposals, pursuant to a
608 design criteria package, from those qualified design-build firms
609 and the evaluation of the responses or bids submitted by those

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610 firms based on the evaluation criteria and procedures
611 established prior to the solicitation of competitive proposals.

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

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

622 Section 8. Present subsections (7), (8), (9), (10), (11),
623 (12), (13), (14), and (15) of section 337.11, Florida Statutes,
624 are renumbered as subsections (8), (9), (10), (11), (12), (13),
625 (14), (15), and (16), respectively, a new subsection (7) is
626 added to that section, and present subsection (7) of that
627 subsection is amended, to read:

628 337.11 Contracting authority of department; bids; emergency
629 repairs, supplemental agreements, and change orders; combined
630 design and construction contracts; progress payments; records;
631 requirements of vehicle registration.—

632 (7) If the department determines that it is in the best
633 interest of the public, the department may pay a stipend to
634 unsuccessful firms who have submitted responsive proposals for
635 construction or maintenance contracts. The decision and amount
636 of a stipend must be based upon the department's analysis of the
637 estimated proposal development costs and the anticipated degree
638 of competition during the procurement process. Stipends must be

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639 used to encourage competition and compensate unsuccessful firms
640 for a portion of their proposal development costs. The
641 department shall retain the right to use ideas from unsuccessful
642 firms that accept a stipend.

643 (8)-(7)(a) If the head of the department determines that it
644 is in the best interests of the public, the department may
645 combine the design and construction phases of a building, a
646 major bridge, a limited access facility, or a rail corridor
647 project into a single contract. Such contract is referred to as
648 a design-build contract. The department's goal is to procure up
649 to 25 percent of the construction contracts that add capacity in
650 the 5-year adopted work program as design-build contracts by
651 July 1, 2014. Design-build contracts may be advertised and
652 awarded notwithstanding the requirements of paragraph (3) (c).
653 However, construction activities may not begin on any portion of
654 such projects for which the department has not yet obtained
655 title to the necessary rights-of-way and easements for the
656 construction of that portion of the project has vested in the
657 state or a local governmental entity and all railroad crossing
658 and utility agreements have been executed. Title to rights-of-
659 way shall be deemed to have vested in the state when the title
660 has been dedicated to the public or acquired by prescription.

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

- 664 1. Prequalification requirements.
- 665 2. Public announcement procedures.
- 666 3. Scope of service requirements.
- 667 4. Letters of interest requirements.

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- 668 5. Short-listing criteria and procedures.
669 6. Bid proposal requirements.
670 7. Technical review committee.
671 8. Selection and award processes.
672 9. Stipend requirements.

673 (c) The department must receive at least three letters of
674 interest in order to proceed with a request for proposals. The
675 department shall request proposals from no fewer than three of
676 the design-build firms submitting letters of interest. If a
677 design-build firm withdraws from consideration after the
678 department requests proposals, the department may continue if at
679 least two proposals are received.

680 Section 9. Subsection (7) of section 337.14, Florida
681 Statutes, is amended to read:

682 337.14 Application for qualification; certificate of
683 qualification; restrictions; request for hearing.—

684 (7) No "contractor" as defined in s. 337.165(1)(d) or his
685 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
686 the department under this section may also qualify under s.
687 287.055 or s. 337.105 to provide testing services, construction,
688 engineering, and inspection services to the department. This
689 limitation does ~~shall~~ not apply to any design-build
690 prequalification under s. 337.11(8) ~~s. 337.11(7)~~.

691 Section 10. Subsection (2) of section 337.16, Florida
692 Statutes, is amended to read:

693 337.16 Disqualification of delinquent contractors from
694 bidding; determination of contractor nonresponsibility; denial,
695 suspension, and revocation of certificates of qualification;
696 grounds; hearing.—

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697 (2) For reasons other than delinquency in progress, the
698 department, for good cause, may determine any contractor not
699 having a certificate of qualification nonresponsible for a
700 specified period of time or may deny, suspend, or revoke any
701 certificate of qualification. Good cause includes, but is not
702 limited to, circumstances in which a contractor or the
703 contractor's official representative:

704 (a) Makes or submits to the department false, deceptive, or
705 fraudulent statements or materials in any bid proposal to the
706 department, any application for a certificate of qualification,
707 any certification of payment pursuant to s. 337.11(11) ~~s.~~
708 ~~337.11(10)~~, or any administrative or judicial proceeding;

709 (b) Becomes insolvent or is the subject of a bankruptcy
710 petition;

711 (c) Fails to comply with contract requirements, in terms of
712 payment or performance record, or to timely furnish contract
713 documents as required by the contract or by any state or federal
714 statute or regulation;

715 (d) Wrongfully employs or otherwise provides compensation
716 to any employee or officer of the department, or willfully
717 offers an employee or officer of the department any pecuniary or
718 other benefit with the intent to influence the employee or
719 officer's official action or judgment;

720 (e) Is an affiliate of a contractor who has been determined
721 nonresponsible or whose certificate of qualification has been
722 suspended or revoked and the affiliate is dependent upon such
723 contractor for personnel, equipment, bonding capacity, or
724 finances; or

725 (f) Fails to register, pursuant to chapter 320, motor

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726 vehicles that he or she operates in this state.

727 Section 11. Paragraph (b) of subsection (1) of section
728 337.18, Florida Statutes, is amended to read:

729 337.18 Surety bonds for construction or maintenance
730 contracts; requirement with respect to contract award; bond
731 requirements; defaults; damage assessments.-

732 (1)

733 (b) Before beginning any work under the contract, the
734 contractor shall maintain a copy of the payment and performance
735 bond required under this section at its principal place of
736 business and at the jobsite office, if one is established, and
737 the contractor shall provide a copy of the payment and
738 performance bond within 5 days after receiving a written request
739 for the bond. A copy of the payment and performance bond
740 required under this section may also be obtained directly from
741 the department by making a request pursuant to chapter 119. ~~Upon~~
742 ~~execution of the contract, and prior to beginning any work under~~
743 ~~the contract, the contractor shall record in the public records~~
744 ~~of the county where the improvement is located the payment and~~
745 ~~performance bond required under this section. A claimant has~~
746 ~~shall have~~ a right of action against the contractor and surety
747 for the amount due him or her, including unpaid finance charges
748 due under the claimant's contract. The ~~Such~~ action may ~~shall~~ not
749 involve the department in any expense.

750 Section 12. Subsections (1), (2), and (7) of section
751 337.185, Florida Statutes, are amended to read:

752 337.185 State Arbitration Board.-

753 (1) To facilitate the prompt settlement of claims for
754 additional compensation arising out of construction and

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755 maintenance contracts between the department and the various
756 contractors with whom it transacts business, the Legislature
757 does hereby establish the State Arbitration Board, referred to
758 in this section as the "board." For the purpose of this section,
759 the term "claim" means ~~shall mean~~ the aggregate of all
760 outstanding claims by a party arising out of a construction or
761 maintenance contract. Every contractual claim in an amount up to
762 \$250,000 per contract or, at the claimant's option, up to
763 \$500,000 per contract or, upon agreement of the parties, up to
764 \$1 million per contract that cannot be resolved by negotiation
765 between the department and the contractor shall be arbitrated by
766 the board after acceptance of the project by the department. As
767 an exception, either party to the dispute may request that the
768 claim be submitted to binding private arbitration. A court of
769 law may not consider the settlement of such a claim until the
770 process established by this section has been exhausted.

771 (2) The board shall be composed of three members. One
772 member shall be appointed by the head of the department, and one
773 member shall be elected by those construction or maintenance
774 companies who are under contract with the department. The third
775 member shall be chosen by agreement of the other two members.
776 Whenever the third member has a conflict of interest regarding
777 affiliation with one of the parties, the other two members shall
778 select an alternate member for that hearing. The head of the
779 department may select an alternative or substitute to serve as
780 the department member for any hearing or term. Each member shall
781 serve a 2-year term. The board shall elect a chair, each term,
782 who shall be the administrator of the board and custodian of its
783 records.

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784 (7) The members of the board may receive compensation for
785 the performance of their duties hereunder, from administrative
786 fees received by the board, except that no employee of the
787 department may receive compensation from the board. The
788 compensation amount shall be determined by the board, but may
789 ~~shall~~ not exceed \$125 per hour, up to a maximum of \$1,000 per
790 day for each member authorized to receive compensation. ~~Nothing~~
791 ~~in~~ This section does not shall prevent the member elected by
792 construction or maintenance companies from being an employee of
793 an association affiliated with the industry, even if the sole
794 responsibility of that member is service on the board. Travel
795 expenses for the industry member may be paid by an industry
796 association, if necessary. The board may allocate funds annually
797 for clerical and other administrative services.

798 Section 13. Subsection (1) of section 337.403, Florida
799 Statutes, is amended to read:

800 337.403 Relocation of utility; expenses.—

801 (1) Any utility heretofore or hereafter placed upon, under,
802 over, or along any public road or publicly owned rail corridor
803 that is found by the authority to be unreasonably interfering in
804 any way with the convenient, safe, or continuous use, or the
805 maintenance, improvement, extension, or expansion, of such
806 public road or publicly owned rail corridor shall, upon 30 days'
807 written notice to the utility or its agent by the authority, be
808 removed or relocated by such utility at its own expense except
809 as provided in paragraphs (a)-(f) ~~(a), (b), and (c)~~.

810 (a) If the relocation of utility facilities, as referred to
811 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
812 627 of the 84th Congress, is necessitated by the construction of

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813 a project on the federal-aid interstate system, including
814 extensions thereof within urban areas, and the cost of the ~~such~~
815 project is eligible and approved for reimbursement by the
816 Federal Government to the extent of 90 percent or more under the
817 Federal Aid Highway Act, or any amendment thereof, then in that
818 event the utility owning or operating such facilities shall
819 relocate the ~~such~~ facilities upon order of the department, and
820 the state shall pay the entire expense properly attributable to
821 such relocation after deducting therefrom any increase in the
822 value of the new facility and any salvage value derived from the
823 old facility.

824 (b) When a joint agreement between the department and the
825 utility is executed for utility improvement, relocation, or
826 removal work to be accomplished as part of a contract for
827 construction of a transportation facility, the department may
828 participate in those utility improvement, relocation, or removal
829 costs that exceed the department's official estimate of the cost
830 of the ~~such~~ work by more than 10 percent. The amount of such
831 participation shall be limited to the difference between the
832 official estimate of all the work in the joint agreement plus 10
833 percent and the amount awarded for this work in the construction
834 contract for such work. The department may not participate in
835 any utility improvement, relocation, or removal costs that occur
836 as a result of changes or additions during the course of the
837 contract.

838 (c) When an agreement between the department and utility is
839 executed for utility improvement, relocation, or removal work to
840 be accomplished in advance of a contract for construction of a
841 transportation facility, the department may participate in the

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842 cost of clearing and grubbing necessary to perform such work.

843 (d) If the utility facility being removed or relocated was
844 initially installed to exclusively serve the department, its
845 tenants, or both, the department shall bear the costs of
846 removing or relocating that utility facility. However, the
847 department is not responsible for bearing the cost of removing
848 or relocating any subsequent additions to that facility for the
849 purpose of serving others.

850 (e) If, under an agreement between a utility and the
851 authority entered into after the effective date of this
852 subsection, the utility conveys, subordinates, or relinquishes a
853 compensable property right to the authority for the purpose of
854 accommodating the acquisition or use of the right-of-way by the
855 authority, without the agreement expressly addressing future
856 responsibility for the cost of removing or relocating the
857 utility, the authority shall bear the cost of removal or
858 relocation. This paragraph does not impair or restrict, and may
859 not be used to interpret, the terms of any such agreement
860 entered into before the effective date of this paragraph.

861 (f) If the utility is an electric facility being relocated
862 underground in order to enhance vehicular, bicycle, and
863 pedestrian safety and in which ownership of the electric
864 facility to be placed underground has been transferred from a
865 private to a public utility within the past 5 years, the
866 department shall incur all costs of the relocation.

867 Section 14. Subsections (4) and (5) of section 337.408,
868 Florida Statutes, are amended, present subsection (7) of that
869 section is renumbered as subsection (8), and a new subsection
870 (7) is added to that section, to read:

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871 337.408 Regulation of benches, transit shelters, street
872 light poles, waste disposal receptacles, and modular news racks
873 within rights-of-way.-

874 (4) The department has the authority to direct the
875 immediate relocation or removal of any bench, transit shelter,
876 waste disposal receptacle, public pay telephone, or modular news
877 rack that ~~which~~ endangers life or property, except that transit
878 bus benches that were ~~which have been~~ placed in service before
879 ~~prior to~~ April 1, 1992, are not required to comply with bench
880 size and advertising display size requirements ~~which have been~~
881 established by the department before ~~prior to~~ March 1, 1992. Any
882 transit bus bench that was in service before ~~prior to~~ April 1,
883 1992, may be replaced with a bus bench of the same size or
884 smaller, if the bench is damaged or destroyed or otherwise
885 becomes unusable. The department may ~~is authorized to~~ adopt
886 rules relating to the regulation of bench size and advertising
887 display size requirements. If a municipality or county within
888 which a bench is to be located has adopted an ordinance or other
889 applicable regulation that establishes bench size or advertising
890 display sign requirements different from requirements specified
891 in department rule, the local government requirement applies
892 ~~shall be applicable~~ within the respective municipality or
893 county. Placement of any bench or advertising display on the
894 National Highway System under a local ordinance or regulation
895 adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to
896 approval of the Federal Highway Administration.

897 (5) A ~~No~~ bench, transit shelter, waste disposal receptacle,
898 public pay telephone, or modular news rack, or advertising
899 thereon, may not ~~shall~~ be erected or ~~se~~ placed on the right-of-

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900 way of any road in a manner that ~~which~~ conflicts with the
901 requirements of federal law, regulations, or safety standards,
902 thereby causing the state or any political subdivision the loss
903 of federal funds. Competition among persons seeking to provide
904 bench, transit shelter, waste disposal receptacle, public pay
905 telephone, or modular news rack services or advertising on such
906 benches, shelters, receptacles, public pay telephone, or news
907 racks may be regulated, restricted, or denied by the appropriate
908 local government entity consistent with ~~the provisions of~~ this
909 section.

910 (7) A public pay telephone, including advertising displayed
911 thereon, may be installed within the right-of-way limits of any
912 municipal, county, or state road, except on a limited access
913 highway, if the pay telephone is installed by a provider duly
914 authorized and regulated by the Public Service Commission under
915 s. 364.3375, if the pay telephone is operated in accordance with
916 all applicable state and federal telecommunications regulations,
917 and if written authorization has been given to a public pay
918 telephone provider by the appropriate municipal or county
919 government. Each advertisement must be limited to a size no
920 greater than 8 square feet and a public pay telephone booth may
921 not display more than three advertisements at any given time. An
922 advertisement is not allowed on public pay telephones located in
923 rest areas, welcome centers, or other such facilities located on
924 an interstate highway.

925 Section 15. Subsection (6) is added to section 338.01,
926 Florida Statutes, to read:

927 338.01 Authority to establish and regulate limited access
928 facilities.-

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

933 Section 16. Present subsections (7) and (8) of section
934 338.165, Florida Statutes, are renumbered as subsections (8) and
935 (9), respectively, and a new subsection (7) is added to that
936 section, to read:

937 338.165 Continuation of tolls.—

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

940 Section 17. Section 338.166, Florida Statutes, is created
941 to read:

942 338.166 High-occupancy toll lanes or express lanes.—

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

948 (2) The department may continue to collect the toll on the
949 high-occupancy toll lanes or express lanes after the discharge
950 of any bond indebtedness related to such project. All tolls so
951 collected shall first be used to pay the annual cost of the
952 operation, maintenance, and improvement of the high-occupancy
953 toll lanes or express lanes project or associated transportation
954 system.

955 (3) Any remaining toll revenue from the high-occupancy toll
956 lanes or express lanes shall be used by the department for the
957 construction, maintenance, or improvement of any road on the

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958 State Highway System.

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

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

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

966 Section 18. Paragraph (d) is added to subsection (1) of
967 section 338.2216, Florida Statutes, to read:

968 338.2216 Florida Turnpike Enterprise; powers and
969 authority.—

970 (1)

971 (d) The Florida Turnpike Enterprise shall pursue and
972 implement new technologies and processes in its operations and
973 collection of tolls and the collection of other amounts
974 associated with road and infrastructure usage. Such technologies
975 and processes must include, without limitation, video billing
976 and variable pricing.

977 Section 19. Paragraph (b) of subsection (1) of section
978 338.223, Florida Statutes, is amended to read:

979 338.223 Proposed turnpike projects.—

980 (1)

981 (b) Any proposed turnpike project or improvement must ~~shall~~
982 be developed in accordance with the Florida Transportation Plan
983 and the work program under ~~pursuant to~~ s. 339.135. Turnpike
984 projects that add capacity, alter access, affect feeder roads,
985 or affect the operation of the local transportation system must
986 ~~shall~~ be included in the transportation improvement plan of the

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987 affected metropolitan planning organization. If such turnpike
988 project does not fall within the jurisdiction of a metropolitan
989 planning organization, the department shall notify the affected
990 county and provide for public hearings in accordance with s.
991 339.155(5)(c) ~~s. 339.155(6)(c)~~.

992 Section 20. Section 338.231, Florida Statutes, is amended
993 to read:

994 338.231 Turnpike tolls, fixing; pledge of tolls and other
995 revenues.—The department shall at all times fix, adjust, charge,
996 and collect such tolls and amounts for the use of the turnpike
997 system as are required in order to provide a fund sufficient
998 with other revenues of the turnpike system to pay the cost of
999 maintaining, improving, repairing, and operating such turnpike
1000 system; to pay the principal of and interest on all bonds issued
1001 to finance or refinance any portion of the turnpike system as
1002 the same become due and payable; and to create reserves for all
1003 such purposes.

1004 ~~(1) In the process of effectuating toll rate increases over~~
1005 ~~the period 1988 through 1992, the department shall, to the~~
1006 ~~maximum extent feasible, equalize the toll structure, within~~
1007 ~~each vehicle classification, so that the per mile toll rate will~~
1008 ~~be approximately the same throughout the turnpike system. New~~
1009 ~~turnpike projects may have toll rates higher than the uniform~~
1010 ~~system rate where such higher toll rates are necessary to~~
1011 ~~qualify the project in accordance with the financial criteria in~~
1012 ~~the turnpike law. Such higher rates may be reduced to the~~
1013 ~~uniform system rate when the project is generating sufficient~~
1014 ~~revenues to pay the full amount of debt service and operating~~
1015 ~~and maintenance costs at the uniform system rate. If, after 15~~

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1016 ~~years of opening to traffic, the annual revenue of a turnpike~~
1017 ~~project does not meet or exceed the annual debt service~~
1018 ~~requirements and operating and maintenance costs attributable to~~
1019 ~~such project, the department shall, to the maximum extent~~
1020 ~~feasible, establish a toll rate for the project which is higher~~
1021 ~~than the uniform system rate as necessary to meet such annual~~
1022 ~~debt service requirements and operating and maintenance costs.~~
1023 ~~The department may, to the extent feasible, establish a~~
1024 ~~temporary toll rate at less than the uniform system rate for the~~
1025 ~~purpose of building patronage for the ultimate benefit of the~~
1026 ~~turnpike system. In no case shall the temporary rate be~~
1027 ~~established for more than 1 year. The requirements of this~~
1028 ~~subsection shall not apply when the application of such~~
1029 ~~requirements would violate any covenant established in a~~
1030 ~~resolution or trust indenture relating to the issuance of~~
1031 ~~turnpike bonds.~~

1032 (1)~~(2)~~ Notwithstanding any other ~~provision of law, the~~
1033 ~~department may defer the scheduled July 1, 1993, toll rate~~
1034 ~~increase on the Homestead Extension of the Florida Turnpike~~
1035 ~~until July 1, 1995. The department may also advance funds to the~~
1036 ~~Turnpike General Reserve Trust Fund to replace estimated lost~~
1037 ~~revenues resulting from this deferral. The amount advanced must~~
1038 ~~be repaid within 12 years from the date of advance; however, the~~
1039 ~~repayment is subordinate to all other debt financing of the~~
1040 ~~turnpike system outstanding at the time repayment is due.~~

1041 (2)~~(3)~~ The department shall publish a proposed change in
1042 the toll rate for the use of an existing toll facility, in the
1043 manner provided for in s. 120.54, which will provide for public
1044 notice and the opportunity for a public hearing before the

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1045 adoption of the proposed rate change. When the department is
1046 evaluating a proposed turnpike toll project under s. 338.223 and
1047 has determined that there is a high probability that the project
1048 will pass the test of economic feasibility predicated on
1049 proposed toll rates, the toll rate that is proposed to be
1050 charged after the project is constructed must be adopted during
1051 the planning and project development phase of the project, in
1052 the manner provided for in s. 120.54, including public notice
1053 and the opportunity for a public hearing. For such a new
1054 project, the toll rate becomes effective upon the opening of the
1055 project to traffic.

1056 (3) (a) (4) For the period July 1, 1998, through June 30,
1057 2017, the department shall, to the maximum extent feasible,
1058 program sufficient funds in the tentative work program such that
1059 the percentage of turnpike toll and bond financed commitments in
1060 Miami-Dade County, Broward County, and Palm Beach County as
1061 compared to total turnpike toll and bond financed commitments
1062 shall be at least 90 percent of the share of net toll
1063 collections attributable to users of the turnpike system in
1064 Miami-Dade County, Broward County, and Palm Beach County as
1065 compared to total net toll collections attributable to users of
1066 the turnpike system. ~~The requirements of~~ This subsection does ~~de~~
1067 not apply when the application of such requirements would
1068 violate any covenant established in a resolution or trust
1069 indenture relating to the issuance of turnpike bonds. The
1070 department may at any time for economic considerations establish
1071 lower temporary toll rates for a new or existing toll facility
1072 for a period not to exceed 1 year, after which the toll rates
1073 adopted pursuant to s. 120.54 shall become effective.

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1074 (b) The department shall also fix, adjust, charge, and
1075 collect such amounts needed to cover the costs of administering
1076 the different toll-collection and payment methods, and types of
1077 accounts being offered and used, in the manner provided for in
1078 s. 120.54 which will provide for public notice and the
1079 opportunity for a public hearing before adoption. Such amounts
1080 may stand alone, be incorporated in a toll rate structure, or be
1081 a combination of the two.

1082 (4)~~(5)~~ When bonds are outstanding which have been issued to
1083 finance or refinance any turnpike project, the tolls and all
1084 other revenues derived from the turnpike system and pledged to
1085 such bonds shall be set aside as may be provided in the
1086 resolution authorizing the issuance of such bonds or the trust
1087 agreement securing the same. The tolls or other revenues or
1088 other moneys so pledged and thereafter received by the
1089 department are immediately subject to the lien of such pledge
1090 without any physical delivery thereof or further act. The lien
1091 of any such pledge is valid and binding as against all parties
1092 having claims of any kind in tort or contract or otherwise
1093 against the department irrespective of whether such parties have
1094 notice thereof. Neither the resolution nor any trust agreement
1095 by which a pledge is created need be filed or recorded except in
1096 the records of the department.

1097 (5)~~(6)~~ In each fiscal year while any of the bonds of the
1098 Broward County Expressway Authority series 1984 and series 1986-
1099 A remain outstanding, the department is authorized to pledge
1100 revenues from the turnpike system to the payment of principal
1101 and interest of such series of bonds and the operation and
1102 maintenance expenses of the Sawgrass Expressway, to the extent

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1103 gross toll revenues of the Sawgrass Expressway are insufficient
1104 to make such payments. The terms of an agreement relative to the
1105 pledge of turnpike system revenue will be negotiated with the
1106 parties of the 1984 and 1986 Broward County Expressway Authority
1107 lease-purchase agreements, and subject to the covenants of those
1108 agreements. The agreement must ~~shall~~ establish that the Sawgrass
1109 Expressway is ~~shall be~~ subject to the planning, management, and
1110 operating control of the department limited only by the terms of
1111 the lease-purchase agreements. The department shall provide for
1112 the payment of operation and maintenance expenses of the
1113 Sawgrass Expressway until such agreement is in effect. This
1114 pledge of turnpike system revenues is ~~shall be~~ subordinate to
1115 the debt service requirements of any future issue of turnpike
1116 bonds, the payment of turnpike system operation and maintenance
1117 expenses, and subject to ~~provisions of~~ any subsequent resolution
1118 or trust indenture relating to the issuance of such turnpike
1119 bonds.

1120 ~~(6)(7)~~ The use and disposition of revenues pledged to bonds
1121 are subject to ~~the provisions of~~ ss. 338.22-338.241 and such
1122 regulations as the resolution authorizing the issuance of the
1123 ~~such~~ bonds or such trust agreement may provide.

1124 Section 21. Subsection (4) of section 339.12, Florida
1125 Statutes, is amended to read:

1126 339.12 Aid and contributions by governmental entities for
1127 department projects; federal aid.-

1128 (4) (a) Before ~~Prior to~~ accepting the contribution of road
1129 bond proceeds, time warrants, or cash for which reimbursement is
1130 sought, the department shall enter into agreements with the
1131 governing body of the governmental entity for the project or

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1132 project phases in accordance with specifications agreed upon
1133 between the department and the governing body of the
1134 governmental entity. The department may not ~~in no instance is to~~
1135 receive from such governmental entity an amount in excess of the
1136 actual cost of the project or project phase. By specific
1137 provision in the written agreement between the department and
1138 the governing body of the governmental entity, the department
1139 may agree to reimburse the governmental entity for the actual
1140 amount of the bond proceeds, time warrants, or cash used on a
1141 highway project or project phases that are not revenue producing
1142 and are contained in the department's adopted work program, or
1143 any public transportation project contained in the adopted work
1144 program. Subject to appropriation of funds by the Legislature,
1145 the department may commit state funds for reimbursement of such
1146 projects or project phases. Reimbursement to the governmental
1147 entity for such a project or project phase must be made from
1148 funds appropriated by the Legislature, and reimbursement for the
1149 cost of the project or project phase is to begin in the year the
1150 project or project phase is scheduled in the work program as of
1151 the date of the agreement. Funds advanced under ~~pursuant to~~ this
1152 section, which were originally designated for transportation
1153 purposes and so reimbursed to a county or municipality, shall be
1154 used by the county or municipality for any transportation
1155 expenditure authorized under s. 336.025(7). Also, cities and
1156 counties may receive funds from persons, and reimburse those
1157 persons, for the purposes of this section. Such persons may
1158 include, but are not limited to, those persons defined in s.
1159 607.01401(19).

1160 (b) Before ~~Prior to~~ entering an agreement to advance a

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1161 project or project phase under ~~pursuant to~~ this subsection and
1162 subsection (5), the department shall first update the estimated
1163 cost of the project or project phase and certify that the
1164 estimate is accurate and consistent with the amount estimated in
1165 the adopted work program. If the original estimate and the
1166 updated estimate vary, the department shall amend the adopted
1167 work program according to the amendatory procedures for the work
1168 program set forth in s. 339.135(7). The amendment shall reflect
1169 all corresponding increases and decreases to the affected
1170 projects within the adopted work program.

1171 (c) The department may enter into agreements under this
1172 subsection for a project or project phase not included in the
1173 adopted work program. As used in this paragraph, the term
1174 "project phase" means acquisition of rights-of-way,
1175 construction, construction inspection, and related support
1176 phases. The project or project phase must be a high priority of
1177 the governmental entity. Reimbursement for a project or project
1178 phase must be made from funds appropriated by the Legislature
1179 pursuant to s. 339.135(5). All other provisions of this
1180 subsection apply to agreements entered into under this
1181 paragraph. The total amount of project agreements for projects
1182 or project phases not included in the adopted work program
1183 authorized by this paragraph may not at any time exceed \$250
1184 ~~\$100~~ million. However, notwithstanding the \$250 ~~such \$100~~
1185 million limit and any similar limit in s. 334.30, project
1186 advances for any inland county that has ~~with~~ a population
1187 greater than 500,000 dedicating amounts equal to \$500 million or
1188 more of its Local Government Infrastructure Surtax pursuant to
1189 s. 212.055(2) for improvements to the State Highway System which

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1190 are included in the local metropolitan planning organization's
1191 or the department's long-range transportation plans shall be
1192 excluded from the calculation of the statewide limit of project
1193 advances.

1194 (d) The department may enter into agreements under this
1195 subsection with any county that has a population of 150,000 or
1196 fewer as determined by the most recent official estimate under
1197 s. 186.901 for a project or project phase not included in the
1198 adopted work program. As used in this paragraph, the term
1199 "project phase" means acquisition of rights-of-way,
1200 construction, construction inspection, and related support
1201 phases. The project or project phase must be a high priority of
1202 the governmental entity. Reimbursement for a project or project
1203 phase must be made from funds appropriated by the Legislature
1204 under s. 339.135(5). All other provisions of this subsection
1205 apply to agreements entered into under this paragraph. The total
1206 amount of project agreements for projects or project phases not
1207 included in the adopted work program authorized by this
1208 paragraph may not at any time exceed \$200 million. The project
1209 must be included in the local government's adopted comprehensive
1210 plan. The department may enter into long-term repayment
1211 agreements of up to 30 years.

1212 Section 22. Paragraph (d) of subsection (7) of section
1213 339.135, Florida Statutes, is amended to read:

1214 339.135 Work program; legislative budget request;
1215 definitions; preparation, adoption, execution, and amendment.-

1216 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.-

1217 (d)1. Whenever the department proposes any amendment to the
1218 adopted work program, as defined in subparagraph (c)1. or

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1219 subparagraph (c)3., which deletes or defers a construction phase
1220 on a capacity project, it shall notify each county affected by
1221 the amendment and each municipality within the county. The
1222 notification shall be issued in writing to the chief elected
1223 official of each affected county, each municipality within the
1224 county, and the chair of each affected metropolitan planning
1225 organization. Each affected county and each municipality in the
1226 county is encouraged to coordinate with each other in order to
1227 determine how the amendment affects local concurrency management
1228 and regional transportation planning efforts. Each affected
1229 county, and each municipality within the county, shall have 14
1230 days to provide written comments to the department regarding how
1231 the amendment will affect its respective concurrency management
1232 systems, including whether any development permits were issued
1233 contingent upon the capacity improvement, if applicable. After
1234 receipt of written comments from the affected local governments,
1235 the department shall include any written comments submitted by
1236 such local governments in its preparation of the proposed
1237 amendment.

1238 2. Following the 14-day comment period in subparagraph 1.,
1239 if applicable, whenever the department proposes any amendment to
1240 the adopted work program, which amendment is defined in
1241 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1242 subparagraph (c)4., it shall submit the proposed amendment to
1243 the Governor for approval and shall immediately notify the
1244 chairs of the legislative appropriations committees, the chairs
1245 of the legislative transportation committees, and each member of
1246 the Legislature who represents a district affected by the
1247 proposed amendment. It shall also notify~~7~~ each metropolitan

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1248 planning organization affected by the proposed amendment, and
1249 each unit of local government affected by the proposed
1250 amendment, unless it provided to each the notification required
1251 by subparagraph 1. Such proposed amendment shall provide a
1252 complete justification of the need for the proposed amendment.

1253 ~~3.2.~~ The Governor may ~~shall~~ not approve a proposed
1254 amendment until 14 days following the notification required in
1255 subparagraph 2. ~~1.~~

1256 ~~4.3.~~ If either of the chairs of the legislative
1257 appropriations committees or the President of the Senate or the
1258 Speaker of the House of Representatives objects in writing to a
1259 proposed amendment within 14 days following notification and
1260 specifies the reasons for such objection, the Governor shall
1261 disapprove the proposed amendment.

1262 Section 23. Section 339.155, Florida Statutes, is amended
1263 to read:

1264 339.155 Transportation planning.—

1265 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
1266 develop ~~and annually update~~ a statewide transportation plan, to
1267 be known as the Florida Transportation Plan. The plan shall be
1268 designed so as to be easily read and understood by the general
1269 public. The purpose of the Florida Transportation Plan is to
1270 establish and define the state's long-range transportation goals
1271 and objectives to be accomplished over a period of at least 20
1272 years within the context of the State Comprehensive Plan, and
1273 any other statutory mandates and authorizations and based upon
1274 the prevailing principles of: preserving the existing
1275 transportation infrastructure; enhancing Florida's economic
1276 competitiveness; and improving travel choices to ensure

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1277 mobility. The Florida Transportation Plan shall consider the
1278 needs of the entire state transportation system and examine the
1279 use of all modes of transportation to effectively and
1280 efficiently meet such needs.

1281 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
1282 out a transportation planning process in conformance with s.
1283 334.046(1) ~~which provides for consideration of projects and~~
1284 ~~strategies that will:~~

1285 ~~(a) Support the economic vitality of the United States,~~
1286 ~~Florida, and the metropolitan areas, especially by enabling~~
1287 ~~global competitiveness, productivity, and efficiency;~~

1288 ~~(b) Increase the safety and security of the transportation~~
1289 ~~system for motorized and nonmotorized users;~~

1290 ~~(c) Increase the accessibility and mobility options~~
1291 ~~available to people and for freight;~~

1292 ~~(d) Protect and enhance the environment, promote energy~~
1293 ~~conservation, and improve quality of life;~~

1294 ~~(e) Enhance the integration and connectivity of the~~
1295 ~~transportation system, across and between modes throughout~~
1296 ~~Florida, for people and freight;~~

1297 ~~(f) Promote efficient system management and operation; and~~

1298 ~~(g) Emphasize the preservation of the existing~~
1299 ~~transportation system.~~

1300 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
1301 Transportation Plan shall be a unified, concise planning
1302 document that clearly defines the state's long-range
1303 transportation goals and objectives ~~and documents the~~
1304 ~~department's short-range objectives developed to further such~~
1305 ~~goals and objectives. The plan must: shall~~

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1306 (a) Include a glossary that clearly and succinctly defines
1307 any and all phrases, words, or terms of art included in the
1308 plan, with which the general public may be unfamiliar. ~~and shall~~
1309 ~~consist of, at a minimum, the following components:~~

1310 (b) ~~(a)~~ Document ~~A long-range component~~ documenting the
1311 goals and long-term objectives necessary to implement the
1312 results of the department's findings from its examination of the
1313 prevailing principles and criteria provided under listed in
1314 subsection (2) and s. 334.046(1). ~~The long-range component must~~

1315 (c) Be developed in cooperation with the metropolitan
1316 planning organizations and reconciled, to the maximum extent
1317 feasible, with the long-range plans developed by metropolitan
1318 planning organizations pursuant to s. 339.175. ~~The plan must~~
1319 ~~also~~

1320 (d) Be developed in consultation with affected local
1321 officials in nonmetropolitan areas and with any affected Indian
1322 tribal governments. ~~The plan must~~

1323 (e) Provide an examination of transportation issues likely
1324 to arise during at least a 20-year period. ~~The long-range~~
1325 ~~component shall~~

1326 (f) Be updated at least once every 5 years, or more often
1327 as necessary, to reflect substantive changes to federal or state
1328 law.

1329 ~~(b) A short-range component documenting the short-term~~
1330 ~~objectives and strategies necessary to implement the goals and~~
1331 ~~long-term objectives contained in the long-range component. The~~
1332 ~~short-range component must define the relationship between the~~
1333 ~~long-range goals and the short-range objectives, specify those~~
1334 ~~objectives against which the department's achievement of such~~

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1335 ~~goals will be measured, and identify transportation strategies~~
1336 ~~necessary to efficiently achieve the goals and objectives in the~~
1337 ~~plan. It must provide a policy framework within which the~~
1338 ~~department's legislative budget request, the strategic~~
1339 ~~information resource management plan, and the work program are~~
1340 ~~developed. The short-range component shall serve as the~~
1341 ~~department's annual agency strategic plan pursuant to s.~~
1342 ~~186.021. The short-range component shall be developed consistent~~
1343 ~~with available and forecasted state and federal funds. The~~
1344 ~~short-range component shall also be submitted to the Florida~~
1345 ~~Transportation Commission.~~

1346 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
1347 ~~an annual performance report evaluating the operation of the~~
1348 ~~department for the preceding fiscal year. The report shall also~~
1349 ~~include a summary of the financial operations of the department~~
1350 ~~and shall annually evaluate how well the adopted work program~~
1351 ~~meets the short-term objectives contained in the short-range~~
1352 ~~component of the Florida Transportation Plan. This performance~~
1353 ~~report shall be submitted to the Florida Transportation~~
1354 ~~Commission and the legislative appropriations and transportation~~
1355 ~~committees.~~

1356 ~~(4)~~ (5) ADDITIONAL TRANSPORTATION PLANS.—

1357 (a) Upon request by local governmental entities, the
1358 department may in its discretion develop and design
1359 transportation corridors, arterial and collector streets,
1360 vehicular parking areas, and other support facilities which are
1361 consistent with the plans of the department for major
1362 transportation facilities. The department may render to local
1363 governmental entities or their planning agencies such technical

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1364 assistance and services as are necessary so that local plans and
1365 facilities are coordinated with the plans and facilities of the
1366 department.

1367 (b) Each regional planning council, as provided for in s.
1368 186.504, or any successor agency thereto, shall develop, as an
1369 element of its strategic regional policy plan, transportation
1370 goals and policies. The transportation goals and policies must
1371 be prioritized to comply with the prevailing principles provided
1372 in subsection (2) and s. 334.046(1). The transportation goals
1373 and policies shall be consistent, to the maximum extent
1374 feasible, with the goals and policies of the metropolitan
1375 planning organization and the Florida Transportation Plan. The
1376 transportation goals and policies of the regional planning
1377 council will be advisory only and shall be submitted to the
1378 department and any affected metropolitan planning organization
1379 for their consideration and comments. Metropolitan planning
1380 organization plans and other local transportation plans shall be
1381 developed consistent, to the maximum extent feasible, with the
1382 regional transportation goals and policies. The regional
1383 planning council shall review urbanized area transportation
1384 plans and any other planning products stipulated in s. 339.175
1385 and provide the department and respective metropolitan planning
1386 organizations with written recommendations which the department
1387 and the metropolitan planning organizations shall take under
1388 advisement. Further, the regional planning councils shall
1389 directly assist local governments which are not part of a
1390 metropolitan area transportation planning process in the
1391 development of the transportation element of their comprehensive
1392 plans as required by s. 163.3177.

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1393 (c) Regional transportation plans may be developed in
1394 regional transportation areas in accordance with an interlocal
1395 agreement entered into pursuant to s. 163.01 by two or more
1396 contiguous metropolitan planning organizations; one or more
1397 metropolitan planning organizations and one or more contiguous
1398 counties, none of which is a member of a metropolitan planning
1399 organization; a multicounty regional transportation authority
1400 created by or pursuant to law; two or more contiguous counties
1401 that are not members of a metropolitan planning organization; or
1402 metropolitan planning organizations comprised of three or more
1403 counties.

1404 (d) The interlocal agreement must, at a minimum, identify
1405 the entity that will coordinate the development of the regional
1406 transportation plan; delineate the boundaries of the regional
1407 transportation area; provide the duration of the agreement and
1408 specify how the agreement may be terminated, modified, or
1409 rescinded; describe the process by which the regional
1410 transportation plan will be developed; and provide how members
1411 of the entity will resolve disagreements regarding
1412 interpretation of the interlocal agreement or disputes relating
1413 to the development or content of the regional transportation
1414 plan. Such interlocal agreement shall become effective upon its
1415 recordation in the official public records of each county in the
1416 regional transportation area.

1417 (e) The regional transportation plan developed pursuant to
1418 this section must, at a minimum, identify regionally significant
1419 transportation facilities located within a regional
1420 transportation area and contain a prioritized list of regionally
1421 significant projects. The level-of-service standards for

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1422 facilities to be funded under this subsection shall be adopted
1423 by the appropriate local government in accordance with s.
1424 163.3180(10). The projects shall be adopted into the capital
1425 improvements schedule of the local government comprehensive plan
1426 pursuant to s. 163.3177(3).

1427 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
1428 TRANSPORTATION PLANNING.—

1429 (a) During the development of the ~~long-range component of~~
1430 ~~the~~ Florida Transportation Plan and prior to substantive
1431 revisions, the department shall provide citizens, affected
1432 public agencies, representatives of transportation agency
1433 employees, other affected employee representatives, private
1434 providers of transportation, and other known interested parties
1435 with an opportunity to comment on the proposed plan or
1436 revisions. These opportunities shall include, at a minimum,
1437 publishing a notice in the Florida Administrative Weekly and
1438 within a newspaper of general circulation within the area of
1439 each department district office.

1440 (b) During development of major transportation
1441 improvements, such as those increasing the capacity of a
1442 facility through the addition of new lanes or providing new
1443 access to a limited or controlled access facility or
1444 construction of a facility in a new location, the department
1445 shall hold one or more hearings prior to the selection of the
1446 facility to be provided; prior to the selection of the site or
1447 corridor of the proposed facility; and prior to the selection of
1448 and commitment to a specific design proposal for the proposed
1449 facility. Such public hearings shall be conducted so as to
1450 provide an opportunity for effective participation by interested

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1451 persons in the process of transportation planning and site and
1452 route selection and in the specific location and design of
1453 transportation facilities. The various factors involved in the
1454 decision or decisions and any alternative proposals shall be
1455 clearly presented so that the persons attending the hearing may
1456 present their views relating to the decision or decisions which
1457 will be made.

1458 (c) Opportunity for design hearings:

1459 1. The department, prior to holding a design hearing, shall
1460 duly notify all affected property owners of record, as recorded
1461 in the property appraiser's office, by mail at least 20 days
1462 prior to the date set for the hearing. The affected property
1463 owners shall be:

1464 a. Those whose property lies in whole or in part within 300
1465 feet on either side of the centerline of the proposed facility.

1466 b. Those whom the department determines will be
1467 substantially affected environmentally, economically, socially,
1468 or safetywise.

1469 2. For each subsequent hearing, the department shall
1470 publish notice prior to the hearing date in a newspaper of
1471 general circulation for the area affected. These notices must be
1472 published twice, with the first notice appearing at least 15
1473 days, but no later than 30 days, before the hearing.

1474 3. A copy of the notice of opportunity for the hearing must
1475 be furnished to the United States Department of Transportation
1476 and to the appropriate departments of the state government at
1477 the time of publication.

1478 4. The opportunity for another hearing shall be afforded in
1479 any case when proposed locations or designs are so changed from

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1480 those presented in the notices specified above or at a hearing
1481 as to have a substantially different social, economic, or
1482 environmental effect.

1483 5. The opportunity for a hearing shall be afforded in each
1484 case in which the department is in doubt as to whether a hearing
1485 is required.

1486 Section 24. Subsection (3) and paragraphs (b) and (c) of
1487 subsection (4) of section 339.2816, Florida Statutes, are
1488 amended to read:

1489 339.2816 Small County Road Assistance Program.—

1490 (3) Beginning with fiscal year 1999-2000 until fiscal year
1491 2009-2010, and beginning again with fiscal year 2012-2013, up to
1492 \$25 million annually from the State Transportation Trust Fund
1493 may be used for the purposes of funding the Small County Road
1494 Assistance Program as described in this section.

1495 (4)

1496 (b) In determining a county's eligibility for assistance
1497 under this program, the department may consider whether the
1498 county has attempted to keep county roads in satisfactory
1499 condition, including the amount of local option fuel tax ~~and ad~~
1500 ~~valorem millage rate~~ imposed by the county. The department may
1501 also consider the extent to which the county has offered to
1502 provide a match of local funds with state funds provided under
1503 the program. At a minimum, small counties shall be eligible only
1504 if:

1505 ~~1. the county has enacted the maximum rate of the local~~
1506 ~~option fuel tax authorized by s. 336.025(1) (a), and has imposed~~
1507 ~~an ad valorem millage rate of at least 8 mills; or~~

1508 ~~2. The county has imposed an ad valorem millage rate of 10~~

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1509 mills.

1510 (c) The following criteria must ~~shall~~ be used to prioritize

1511 road projects for funding under the program:

1512 1. The primary criterion is the physical condition of the

1513 road as measured by the department.

1514 2. As secondary criteria the department may consider:

1515 a. Whether a road is used as an evacuation route.

1516 b. Whether a road has high levels of agricultural travel.

1517 c. Whether a road is considered a major arterial route.

1518 d. Whether a road is considered a feeder road.

1519 e. Whether a road is located in a fiscally constrained

1520 county, as defined in s. 218.67(1).

1521 ~~f.e.~~ Other criteria related to the impact of a project on

1522 the public road system or on the state or local economy as

1523 determined by the department.

1524 Section 25. Subsections (1) and (3) of section 339.2819,

1525 Florida Statutes, are amended to read:

1526 339.2819 Transportation Regional Incentive Program.—

1527 (1) There is created within the Department of

1528 Transportation a Transportation Regional Incentive Program for

1529 the purpose of providing funds to improve regionally significant

1530 transportation facilities in regional transportation areas

1531 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

1532 (3) The department shall allocate funding available for the

1533 Transportation Regional Incentive Program to the districts based

1534 on a factor derived from equal parts of population and motor

1535 fuel collections for eligible counties in regional

1536 transportation areas created pursuant to s. 339.155(4) ~~s.~~

1537 ~~339.155(5)~~.

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1538 Section 26. Subsection (6) of section 339.285, Florida
1539 Statutes, is amended to read:

1540 339.285 Enhanced Bridge Program for Sustainable
1541 Transportation.—

1542 (6) Preference shall be given to bridge projects located on
1543 corridors that connect to the Strategic Intermodal System,
1544 created under s. 339.64, and that have been identified as
1545 regionally significant in accordance with s. 339.155(4)(c), (d),
1546 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

1547 Section 27. Part III of chapter 343, Florida Statutes,
1548 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
1549 343.76, and 343.77, is repealed.

1550 Section 28. Subsection (4) of section 348.0003, Florida
1551 Statutes, is amended to read:

1552 348.0003 Expressway authority; formation; membership.—

1553 (4) (a) An authority may employ an executive secretary, an
1554 executive director, its own counsel and legal staff, technical
1555 experts, and such engineers and employees, permanent or
1556 temporary, as it may require and shall determine the
1557 qualifications and fix the compensation of such persons, firms,
1558 or corporations. An authority may employ a fiscal agent or
1559 agents; however, the authority must solicit sealed proposals
1560 from at least three persons, firms, or corporations for the
1561 performance of any services as fiscal agents. An authority may
1562 delegate to one or more of its agents or employees such of its
1563 power as it deems necessary to carry out the purposes of the
1564 Florida Expressway Authority Act, subject always to the
1565 supervision and control of the authority. Members of an
1566 authority may be removed from office by the Governor for

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1567 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1568 (b) Members of an authority are entitled to receive from
1569 the authority their travel and other necessary expenses incurred
1570 in connection with the business of the authority as provided in
1571 s. 112.061, but they may not draw salaries or other
1572 compensation.

1573 (c) Members of each expressway an authority, transportation
1574 authority, bridge authority, or toll authority created pursuant
1575 to this chapter, chapter 343, or chapter 349, or pursuant to any
1576 other legislative enactment, shall be required to comply with
1577 the applicable financial disclosure requirements of s. 8, Art.
1578 II of the State Constitution. This paragraph does not subject a
1579 statutorily created expressway authority, transportation
1580 authority, bridge authority, or toll authority, other than one
1581 created under this part, to any of the requirements of this part
1582 other than those contained in this paragraph.

1583 Section 29. Paragraph (c) is added to subsection (1) of
1584 section 348.0004, Florida Statutes, to read:

1585 348.0004 Purposes and powers.—

1586 (1)

1587 (c) Notwithstanding any other law, expressway authorities
1588 created under parts I-X of chapter 348 may index toll rates on
1589 toll facilities to the annual Consumer Price Index or similar
1590 inflation indicators. Once a toll rate index has been
1591 implemented pursuant to this paragraph, the toll rate index
1592 shall remain in place and may not be revoked. Toll rate index
1593 for inflation under this subsection must be adopted and approved
1594 by the expressway authority board at a public meeting and may be
1595 made no more frequently than once a year and must be made no

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1596 less frequently than once every 5 years as necessary to
1597 accommodate cash toll rate schedules. Toll rates may be
1598 increased beyond these limits as directed by bond documents,
1599 covenants, or governing body authorization or pursuant to
1600 department administrative rule.

1601 Section 30. Subsection (1) of section 479.01, Florida
1602 Statutes, is amended to read:

1603 479.01 Definitions.—As used in this chapter, the term:

1604 (1) "Automatic changeable facing" means a facing that ~~which~~
1605 ~~through a mechanical system~~ is capable of delivering two or more
1606 advertising messages through an automated or remotely controlled
1607 process ~~and shall not rotate so rapidly as to cause distraction~~
1608 ~~to a motorist.~~

1609 Section 31. Subsections (1), (5), and (9) of section
1610 479.07, Florida Statutes, are amended to read:

1611 479.07 Sign permits.—

1612 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
1613 person may not erect, operate, use, or maintain, or cause to be
1614 erected, operated, used, or maintained, any sign on the State
1615 Highway System outside an urban incorporated area, as defined in
1616 s. 334.03(32), or on any portion of the interstate or federal-
1617 aid primary highway system without first obtaining a permit for
1618 the sign from the department and paying the annual fee as
1619 provided in this section. As used in ~~For purposes of~~ this
1620 section, the term "on any portion of the State Highway System,
1621 interstate, or federal-aid primary system" means ~~shall mean~~ a
1622 sign located within the controlled area which is visible from
1623 any portion of the main-traveled way of such system.

1624 (5) (a) For each permit issued, the department shall furnish

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1625 to the applicant a serially numbered permanent metal permit tag.
1626 The permittee is responsible for maintaining a valid permit tag
1627 on each permitted sign facing at all times. The tag shall be
1628 securely attached to the sign facing or, if there is no facing,
1629 on the pole nearest the highway; and it shall be attached in
1630 such a manner as to be plainly visible from the main-traveled
1631 way. Effective July 1, 2011, the tag must be securely attached
1632 to the upper 50 percent of the pole nearest the highway and must
1633 be attached in such a manner as to be plainly visible from the
1634 main-traveled way. The permit becomes ~~will become~~ void unless
1635 the permit tag is properly and permanently displayed at the
1636 permitted site within 30 days after the date of permit issuance.
1637 If the permittee fails to erect a completed sign on the
1638 permitted site within 270 days after the date on which the
1639 permit was issued, the permit will be void, and the department
1640 may not issue a new permit to that permittee for the same
1641 location for 270 days after the date on which the permit became
1642 void.

1643 (b) If a permit tag is lost, stolen, or destroyed, the
1644 permittee to whom the tag was issued must apply to the
1645 department for a replacement tag. The department shall adopt a
1646 rule establishing a service fee for replacement tags in an
1647 amount that will recover the actual cost of providing the
1648 replacement tag. Upon receipt of the application accompanied by
1649 the a service fee of \$3, the department shall issue a
1650 replacement permit tag. Alternatively, the permittee may provide
1651 its own replacement tag pursuant to department specifications
1652 that the department shall adopt by rule at the time it
1653 establishes the service fee for replacement tags.

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1654 (9) (a) A permit shall not be granted for any sign for which
1655 a permit had not been granted by the effective date of this act
1656 unless such sign is located at least:

1657 1. One thousand five hundred feet from any other permitted
1658 sign on the same side of the highway, if on an interstate
1659 highway.

1660 2. One thousand feet from any other permitted sign on the
1661 same side of the highway, if on a federal-aid primary highway.
1662

1663 The minimum spacing provided in this paragraph does not preclude
1664 the permitting of V-type, back-to-back, side-to-side, stacked,
1665 or double-faced signs at the permitted sign site. If a sign is
1666 visible from the controlled area of more than one highway
1667 subject to the jurisdiction of the department, the sign shall
1668 meet the permitting requirements of, and, if the sign meets the
1669 applicable permitting requirements, be permitted to, the highway
1670 having the more stringent permitting requirements.

1671 (b) A permit shall not be granted for a sign pursuant to
1672 this chapter to locate such sign on any portion of the
1673 interstate or federal-aid primary highway system, which sign:

1674 1. Exceeds 50 feet in sign structure height above the crown
1675 of the main-traveled way, if outside an incorporated area;

1676 2. Exceeds 65 feet in sign structure height above the crown
1677 of the main-traveled way, if inside an incorporated area; or

1678 3. Exceeds 950 square feet of sign facing including all
1679 embellishments.

1680 (c) Notwithstanding subparagraph (a)1., there is
1681 established a pilot program in Orange, Hillsborough, and Osceola
1682 Counties, and within the boundaries of the City of Miami, under

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1683 which the distance between permitted signs on the same side of
1684 an interstate highway may be reduced to 1,000 feet if all other
1685 requirements of this chapter are met and if:

1686 1. The local government has adopted a plan, program,
1687 resolution, ordinance, or other policy encouraging the voluntary
1688 removal of signs in a downtown, historic, redevelopment, infill,
1689 or other designated area which also provides for a new or
1690 replacement sign to be erected on an interstate highway within
1691 that jurisdiction if a sign in the designated area is removed;

1692 2. The sign owner and the local government mutually agree
1693 to the terms of the removal and replacement; and

1694 3. The local government notifies the department of its
1695 intention to allow such removal and replacement as agreed upon
1696 pursuant to subparagraph 2.

1697
1698 The department shall maintain statistics tracking the use of the
1699 provisions of this pilot program based on the notifications
1700 received by the department from local governments under this
1701 paragraph.

1702 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
1703 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
1704 1984, to become nonconforming.

1705 Section 32. Section 479.08, Florida Statutes, is amended to
1706 read:

1707 479.08 Denial or revocation of permit.—The department may
1708 ~~has the authority to~~ deny or revoke any permit requested or
1709 granted under this chapter in any case in which it determines
1710 that the application for the permit contains knowingly false or
1711 misleading information. The department may revoke any permit

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1712 granted under this chapter in any case in which ~~or that~~ the
1713 permittee has violated any of the provisions of this chapter,
1714 unless such permittee, within 30 days after the receipt of
1715 notice by the department, ~~corrects such false or misleading~~
1716 ~~information and~~ complies with the provisions of this chapter.
1717 For the purpose of this section, the notice of violation issued
1718 by the department must describe in detail the alleged violation.
1719 Any person aggrieved by any action of the department in denying
1720 or revoking a permit under this chapter may, within 30 days
1721 after receipt of the notice, apply to the department for an
1722 administrative hearing pursuant to chapter 120. If a timely
1723 request for hearing has been filed and the department issues a
1724 final order revoking a permit, such revocation shall be
1725 effective 30 days after the date of rendition. Except for
1726 department action pursuant to s. 479.107(1), the filing of a
1727 timely and proper notice of appeal shall operate to stay the
1728 revocation until the department's action is upheld.

1729 Section 33. Section 479.156, Florida Statutes, is amended
1730 to read:

1731 479.156 Wall murals.—Notwithstanding any other provision of
1732 this chapter, a municipality or county may permit and regulate
1733 wall murals within areas designated by such government. If a
1734 municipality or county permits wall murals, a wall mural that
1735 displays a commercial message and is within 660 feet of the
1736 nearest edge of the right-of-way within an area adjacent to the
1737 interstate highway system or the federal-aid primary highway
1738 system shall be located in an area that is zoned for industrial
1739 or commercial use and the municipality or county shall establish
1740 and enforce regulations for such areas that, at a minimum, set

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1741 forth criteria governing the size, lighting, and spacing of wall
 1742 murals consistent with the intent of the Highway Beautification
 1743 Act of 1965 and with customary use. Whenever a municipality or
 1744 county exercises such control and makes a determination of
 1745 customary use pursuant to 23 U.S.C. s. 131(d), such
 1746 determination shall be accepted in lieu of controls in the
 1747 agreement between the state and the United States Department of
 1748 Transportation, and the Department of Transportation shall
 1749 notify the Federal Highway Administration pursuant to the
 1750 agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A
 1751 wall mural that is subject to municipal or county regulation and
 1752 the Highway Beautification Act of 1965 must be approved by the
 1753 Department of Transportation and the Federal Highway
 1754 Administration when required by federal law and federal
 1755 regulation under ~~and may not violate~~ the agreement between the
 1756 state and the United States Department of Transportation and ~~or~~
 1757 ~~violate~~ federal regulations enforced by the Department of
 1758 Transportation under s. 479.02(1). The existence of a wall mural
 1759 as defined in s. 479.01(27) shall not be considered in
 1760 determining whether a sign as defined in s. 479.01(17), either
 1761 existing or new, is in compliance with s. 479.07(9)(a).

1762 Section 34. Subsections (1), (3), (4), and (5) of section
 1763 479.261, Florida Statutes, are amended to read:

1764 479.261 Logo sign program.—

1765 (1) The department shall establish a logo sign program for
 1766 the rights-of-way of the interstate highway system to provide
 1767 information to motorists about available gas, food, lodging, ~~and~~
 1768 camping, attractions, and other services, as approved by the
 1769 Federal Highway Administration, at interchanges, through the use

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1770 of business logos, and may include additional interchanges under
1771 the program. ~~A logo sign for nearby attractions may be added to~~
1772 ~~this program if allowed by federal rules.~~

1773 (a) An attraction as used in this chapter is defined as an
1774 establishment, site, facility, or landmark that ~~which~~ is open a
1775 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
1776 ~~an admission for entry; which~~ has as its principal focus family-
1777 oriented entertainment, cultural, educational, recreational,
1778 scientific, or historical activities; and that ~~which~~ is publicly
1779 recognized as a bona fide tourist attraction. ~~However, the~~
1780 ~~permits for businesses seeking to participate in the attractions~~
1781 ~~logo sign program shall be awarded by the department annually to~~
1782 ~~the highest bidders, notwithstanding the limitation on fees in~~
1783 ~~subsection (5), which are qualified for available space at each~~
1784 ~~qualified location, but the fees therefor may not be less than~~
1785 ~~the fees established for logo participants in other logo~~
1786 ~~categories.~~

1787 (b) The department shall incorporate the use of RV-friendly
1788 markers on specific information logo signs for establishments
1789 that cater to the needs of persons driving recreational
1790 vehicles. Establishments that qualify for participation in the
1791 specific information logo program and that also qualify as "RV-
1792 friendly" may request the RV-friendly marker on their specific
1793 information logo sign. An RV-friendly marker must consist of a
1794 design approved by the Federal Highway Administration. The
1795 department shall adopt rules in accordance with chapter 120 to
1796 administer this paragraph, including rules setting forth the
1797 minimum requirements that establishments must meet in order to
1798 qualify as RV-friendly. These requirements shall include large

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1799 parking spaces, entrances, and exits that can easily accommodate
1800 recreational vehicles and facilities having appropriate overhead
1801 clearances, if applicable.

1802 (c) The department may implement a 3-year rotation-based
1803 logo program providing for the removal and addition of
1804 participating businesses in the program.

1805 (3) Logo signs may be installed upon the issuance of an
1806 annual permit by the department or its agent and payment of a ~~an~~
1807 ~~application and~~ permit fee to the department or its agent.

1808 (4) The department may contract pursuant to s. 287.057 for
1809 the provision of services related to the logo sign program,
1810 including recruitment and qualification of businesses, review of
1811 applications, permit issuance, and fabrication, installation,
1812 and maintenance of logo signs. The department may reject all
1813 proposals and seek another request for proposals or otherwise
1814 perform the work. ~~If the department contracts for the provision~~
1815 ~~of services for the logo sign program, the contract must~~
1816 ~~require, unless the business owner declines, that businesses~~
1817 ~~that previously entered into agreements with the department to~~
1818 ~~privately fund logo sign construction and installation be~~
1819 ~~reimbursed by the contractor for the cost of the signs which has~~
1820 ~~not been recovered through a previously agreed upon waiver of~~
1821 ~~fees.~~ The contract also may allow the contractor to retain a
1822 portion of the annual fees as compensation for its services.
1823 (5) Permit fees for businesses that participate in the
1824 program must be established in an amount sufficient to offset
1825 the total cost to the department for the program, including
1826 contract costs. The department shall provide the services in the
1827 most efficient and cost-effective manner through department

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1828 staff or by contracting for some or all of the services. The
1829 department shall adopt rules that set reasonable rates based
1830 upon factors such as population, traffic volume, market demand,
1831 and costs for annual permit fees. However, annual permit fees
1832 for sign locations inside an urban area, as defined in s.
1833 334.03(32), may not exceed \$5,000, and annual permit fees for
1834 sign locations outside an urban area, as defined in s.
1835 334.03(32), may not exceed \$2,500. After recovering program
1836 costs, the proceeds from the logo program shall be deposited
1837 into the State Transportation Trust Fund and used for
1838 transportation purposes. Such annual permit fee shall not exceed
1839 \$1,250.

1840 Section 35. Business partnerships; display of names.-

1841 (1) School districts are encouraged to enter into
1842 partnerships with local businesses for the purposes of
1843 mentorship opportunities, development of employment options and
1844 additional funding sources, and other mutual benefits.

1845 (2) As a pilot program through June 30, 2011, the Palm
1846 Beach County School District may publicly display the names and
1847 recognitions of their business partners on school district
1848 property in unincorporated areas. Examples of appropriate
1849 business partner recognition include "Project Graduation" and
1850 athletic sponsorships. The district shall make every effort to
1851 display business partner names in a manner that is consistent
1852 with the county standards for uniformity in size, color, and
1853 placement of the signs. Whenever the provisions of this section
1854 are inconsistent with the provisions of the county ordinances or
1855 regulations relating to signs or the provisions of chapter 125,
1856 chapter 166, or chapter 479, Florida Statutes, in the

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1857 unincorporated areas, the provisions of this section shall
1858 prevail.

1859 Section 36. Notwithstanding any provision of chapter 74-
1860 400, Laws of Florida, public funds may be used for the
1861 alteration of Old Cutler Road, between Southwest 136th Street
1862 and Southwest 184th Street, in the Village of Palmetto Bay.

1863 (1) The alteration may include the installation of
1864 sidewalks, curbing, and landscaping to enhance pedestrian access
1865 to the road.

1866 (2) The official approval of the project by the Department
1867 of State must be obtained before any alteration is started.

1868 Section 37. Section 120.52, Florida Statutes, is amended to
1869 read:

1870 120.52 Definitions.—As used in this act:

1871 (1) "Agency" means:

1872 (a) The Governor in the exercise of all executive powers
1873 other than those derived from the constitution.

1874 (b) Each:

1875 1. State officer and state department, and each
1876 departmental unit described in s. 20.04.

1877 2. Authority, including a regional water supply authority.

1878 3. Board, including the Board of Governors of the State
1879 University System and a state university board of trustees when
1880 acting pursuant to statutory authority derived from the
1881 Legislature.

1882 4. Commission, including the Commission on Ethics and the
1883 Fish and Wildlife Conservation Commission when acting pursuant
1884 to statutory authority derived from the Legislature.

1885 5. Regional planning agency.

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1886 6. Multicounty special district with a majority of its
1887 governing board comprised of nonelected persons.

1888 7. Educational units.

1889 8. Entity described in chapters 163, 373, 380, and 582 and
1890 s. 186.504.

1891 (c) Each other unit of government in the state, including
1892 counties and municipalities, to the extent they are expressly
1893 made subject to this act by general or special law or existing
1894 judicial decisions.

1895
1896 This definition does not include any legal entity or agency
1897 created in whole or in part pursuant to chapter 361, part II,
1898 any metropolitan planning organization created pursuant to s.
1899 339.175, any separate legal or administrative entity created
1900 pursuant to s. 339.175 of which a metropolitan planning
1901 organization is a member, an expressway authority pursuant to
1902 chapter 348 or any transportation authority under chapter 343 or
1903 chapter 349, any legal or administrative entity created by an
1904 interlocal agreement pursuant to s. 163.01(7), unless any party
1905 to such agreement is otherwise an agency as defined in this
1906 subsection, or any multicounty special district with a majority
1907 of its governing board comprised of elected persons; however,
1908 this definition shall include a regional water supply authority.

1909 Section 38. The Legislature directs the Department of
1910 Transportation to establish an approved transportation
1911 methodology that recognizes that a planned, sustainable
1912 development of regional impact will likely achieve an internal
1913 capture rate greater than 30 percent when fully developed. The
1914 transportation methodology must use a regional transportation

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1915 model that incorporates professionally accepted modeling
1916 techniques applicable to well-planned, sustainable communities
1917 of the size, location, mix of uses, and design features
1918 consistent with such communities. The adopted transportation
1919 methodology shall serve as the basis for sustainable development
1920 traffic impact assessments by the department. The methodology
1921 review must be completed and in use by March 1, 2011.

1922 Section 39. This act shall take effect upon becoming a law.

1923