

1 A bill to be entitled
2 An act relating to transportation and infrastructure;
3 amending s. 20.23, F.S.; providing that the salary and
4 benefits of the executive director of the Florida
5 Transportation Commission shall be set in accordance with
6 the Senior Management Service; amending s. 112.061, F.S.;
7 authorizing metropolitan planning organizations and
8 certain separate entities to establish per diem and travel
9 reimbursement rates; amending s. 120.52, F.S.; excluding
10 expressway authorities under ch. 349, F.S., from the
11 definition of the term "agency" for certain purposes;
12 amending s. 349.03, F.S.; revising provisions for officers
13 and employees of the Jacksonville Transportation
14 Authority; amending s. 349.04, F.S.; providing for the
15 adoption of rules by the Jacksonville Transportation
16 Authority for certain purposes; amending s. 121.021, F.S.;
17 defining the term "metropolitan planning organization" for
18 purposes of the Florida Retirement System Act; revising
19 definitions to include M.P.O.'s and positions in M.P.O.'s;
20 amending s. 121.051, F.S.; providing for M.P.O.'s to
21 participate in the Florida Retirement System; amending s.
22 121.055, F.S.; requiring certain M.P.O. staff positions to
23 be in the Senior Management Service Class; amending s.
24 121.061, F.S.; providing for enforcement of certain
25 employer funding contributions required under the Florida
26 Retirement System; authorizing deductions of amounts owed
27 from certain funds distributed to an M.P.O.; authorizing
28 the governing body of an M.P.O. to file and maintain an

29 | action in court to require an employer to remit retirement
30 | or social security member contributions or employer
31 | matching payments; amending s. 121.081, F.S.; providing
32 | for M.P.O. officers and staff to claim credit for past
33 | service for retirement benefits; amending s. 212.055,
34 | F.S.; deleting a prohibition against local governments
35 | issuing certain bonds secured by revenues from local
36 | infrastructure taxes more than once a year; amending s.
37 | 215.615, F.S.; revising the Department of Transportation's
38 | requirement to share certain costs of fixed-guideway
39 | system projects; revising criteria for an interlocal
40 | agreement to establish bond financing for fixed-guideway
41 | system projects; revising provisions for sources of funds
42 | for the payment of bonds; amending s. 316.2123, F.S.;
43 | authorizing a county to designate certain unpaved roadways
44 | where an ATV may be operated; providing conditions for
45 | such operation; amending s. 316.605, F.S.; providing
46 | height and placement requirements for vehicle license
47 | plates; prohibiting display that obscures identification
48 | of the letters and numbers on a license plate; providing
49 | penalties; amending s. 316.650, F.S.; revising procedures
50 | for disposition of citations issued for failure to pay
51 | toll; providing that the citation will not be submitted to
52 | the court and no points will be assessed on the driver's
53 | license if the person cited elects to make payment
54 | directly to the governmental entity that issued the
55 | citation; providing for reporting of the citation by the
56 | governmental entity to the Department of Highway Safety

57 | and Motor Vehicles; amending s. 318.14, F.S.; providing
58 | for the amount required to be paid under certain
59 | procedures for disposition of a citation issued for
60 | failure to pay toll; providing for the person cited to
61 | request a court hearing; amending s. 318.18, F.S.;
62 | revising penalties for failure to pay a prescribed toll;
63 | providing for disposition of amounts received by the clerk
64 | of court; removing procedures for withholding of
65 | adjudication; providing for suspension of a driver's
66 | license under certain circumstances; revising penalty
67 | provisions to provide for certain criminal penalties;
68 | imposing a surcharge to be paid for specified traffic-
69 | related criminal offenses and all moving traffic
70 | violations; providing for distribution of the proceeds of
71 | the surcharge to be used for the state agency law
72 | enforcement radio system; providing for future expiration;
73 | amending s. 318.21, F.S.; revising distribution provisions
74 | to provide for distribution of the surcharge; providing
75 | for future expiration; amending s. 320.061, F.S.;
76 | prohibiting interfering with the legibility, angular
77 | visibility, or detectability of any feature or detail on a
78 | license plate or interfering with the ability to
79 | photograph or otherwise record any feature or detail on a
80 | license plate; providing penalties; amending s. 332.007,
81 | F.S.; authorizing the Department of Transportation to
82 | provide funds for certain general aviation projects under
83 | certain circumstances; extending the timeframe that the
84 | department is authorized to provide operational and

85 maintenance assistance to certain airports and may
86 redirect the use of certain funds to security-related or
87 economic-impact projects related to the events of
88 September 11, 2001; amending s. 332.14, F.S.; providing
89 that certain members of the Secure Airports for Florida's
90 Economy Council shall be nonvoting members; authorizing
91 certain members to overrule certain actions of the
92 council; amending s. 336.025, F.S.; deleting a prohibition
93 against local governments issuing certain bonds secured by
94 revenues from local option fuel taxes more than once a
95 year; amending s. 336.41, F.S.; revising an exception to
96 competitive-bid requirements for certain county road
97 construction and reconstruction projects; increasing the
98 value threshold under which the exception applies;
99 defining the term "construction aggregate materials";
100 providing legislative intent; prohibiting a local
101 government from approving or denying a land use zoning
102 change, comprehensive plan amendment, land use permit,
103 ordinance, or order regarding construction aggregate
104 materials without considering information provided by the
105 Department of Transportation and considering the effect of
106 such decision; prohibiting an agency from imposing a
107 moratorium on the mining and extraction of construction
108 aggregate materials of longer than a specified period;
109 providing that limerock environmental resource permitting
110 and reclamation applications are eligible to be expedited;
111 establishing the Strategic Aggregates Review Task Force;
112 providing for membership, staffing, reporting, and

113 expiration; providing for support and the coordination of
114 data and information for the task force; requiring that
115 the task force report its findings to the Governor and the
116 Legislature; providing report requirements; providing for
117 the dissolution of the task force; creating s. 337.026,
118 F.S.; authorizing the Department of Transportation to
119 pursue innovative contractual or engineering techniques
120 relating to construction aggregate materials; authorizing
121 the department to enter into agreements for construction
122 aggregate materials; providing exceptions; providing
123 requirements for such exceptions; amending s. 337.11,
124 F.S.; providing that certain construction projects be
125 advertised for bids in local newspapers; amending s.
126 337.14, F.S.; authorizing the department to waive
127 specified prequalification requirements for certain
128 transportation projects under certain conditions; amending
129 s. 337.18, F.S.; revising surety bond requirements for
130 construction or maintenance contracts; providing for
131 incremental annual surety bonds for multiyear maintenance
132 contracts under certain conditions; revising the threshold
133 for transportation projects eligible for a waiver of
134 surety bond requirements; authorizing the department to
135 provide for phased surety bond coverage or an alternate
136 means of security for a portion of the contract amount in
137 lieu of the surety bond; amending s. 338.161, F.S.;
138 providing for the Department of Transportation and certain
139 toll agencies to enter into agreements with public or
140 private entities for additional uses of electronic toll

141 collection products and services; authorizing feasibility
142 studies by the department or a toll agency of additional
143 uses of electronic toll devices for legislative
144 consideration; amending s. 338.2275, F.S.; raising the
145 limit on outstanding bonds to fund turnpike projects;
146 removing a provision authorizing the department to acquire
147 the Sawgrass Expressway from the Broward County Expressway
148 Authority; amending s. 338.231, F.S.; authorizing the
149 department to set certain fees for the collection of
150 unpaid tolls; requiring public notice and public hearing
151 of the proposed fees; extending the timeframe for
152 application of requirement that the department program in
153 the tentative work program certain funds relative to the
154 share of toll collections attributable to users of the
155 turnpike system in certain areas; removing a reference to
156 conform; amending s. 339.135, F.S.; requiring the
157 department to notify certain local government officials of
158 certain proposed amendments to its adopted work program;
159 providing for comments from the local government that
160 would be affected by the amendment; providing procedures
161 for approval of the amendment; amending s. 339.175, F.S.;
162 revising intent; providing the method of creation and
163 operation of M.P.O.'s required to be designated pursuant
164 to federal law; specifying that an M.P.O. is separate from
165 the state or the governing body of a local government that
166 is represented on the governing board of the M.P.O. or
167 that is a signatory to the interlocal agreement creating
168 the M.P.O.; providing specified powers and privileges to

169 the M.P.O.; providing for the designation and duties of
170 certain officials; revising requirements for voting
171 membership; defining the term "elected officials of a
172 general-purpose local government" to exclude certain
173 constitutional officers for voting membership purposes;
174 providing for the appointment of alternates and advisers;
175 providing that members of an M.P.O. technical advisory
176 committee shall serve at the pleasure of the M.P.O.;
177 providing for the appointment of an executive or staff
178 director and other personnel; authorizing an M.P.O. to
179 enter into contracts with public or private entities to
180 accomplish its duties and functions; providing for the
181 training of certain persons who serve on an M.P.O. for
182 certain purposes; requiring that certain plans, programs,
183 and amendments that affect projects be approved by each
184 M.P.O. on a recorded roll call vote, or hand-counted vote,
185 of a majority of the membership present; amending s.
186 339.2819, F.S.; revising the share of matching funds for a
187 public transportation project provided from the
188 Transportation Regional Incentive Program; creating s.
189 339.282, F.S.; providing for certain transportation-
190 related contributions by a property owner or developer to
191 be applied toward future transportation concurrency
192 requirements; amending s. 339.55, F.S.; providing for the
193 use of State Infrastructure Bank loans for certain damaged
194 transportation facilities in areas officially declared to
195 be in a state of emergency; providing criteria; amending
196 s. 339.63, F.S.; providing criteria for Strategic

197 Intermodal System designations; amending s. 341.071, F.S.;
198 requiring an annual report by certain public transit
199 providers to be submitted by a certain date and to address
200 certain potential productivity and performance
201 enhancements; amending s. 343.81, F.S.; prohibiting
202 elected officials from serving on the Northwest Florida
203 Transportation Corridor Authority; providing for
204 application of the prohibition to apply to persons
205 appointed to serve on the authority after a certain date;
206 amending s. 343.82, F.S.; directing the authority to plan
207 for and study the feasibility of constructing, operating,
208 and maintaining a bridge or bridges, and appurtenant
209 structures, spanning Choctawhatchee Bay or Santa Rosa
210 Sound; authorizing the authority to construct, operate,
211 and maintain said bridges and structures; amending s.
212 348.0004, F.S.; authorizing certain transportation-related
213 authorities to enter into agreements with private entities
214 for the building, operation, ownership, or financing of
215 transportation facilities; amending s. 348.0012, F.S.;
216 revising provisions for certain exemptions from the
217 Florida Expressway Authority Act; amending s. 348.243,
218 F.S.; correcting a cross-reference; amending s. 348.754,
219 F.S.; authorizing the Orlando-Orange County Expressway
220 Authority to waive payment and performance bonds on
221 certain construction contracts if the contract is awarded
222 pursuant to an economic development program for the
223 encouragement of local small businesses; providing
224 criteria for participation in the program; providing

225 criteria for the bond waiver; providing for certain
226 determinations by the authority's executive director or a
227 designee as to the suitability of a project; providing for
228 certain payment obligations if a payment and performance
229 bond is waived; requiring the authority to record notice
230 of the obligation; limiting eligibility to bid on the
231 projects; providing for the authority to conduct bond
232 eligibility training for certain businesses; requiring the
233 authority to submit biennial reports to the Orange County
234 legislative delegation; amending ss. 163.3177, 339.176,
235 and 341.828, F.S.; correcting cross-references; amending
236 s. 334.30, F.S.; revising legislative intent; authorizing
237 the Department of Transportation to advance certain
238 projects in the Strategic Intermodal System Plan using
239 funds provided by public-private partnerships or private
240 entities; authorizing the department to lease toll
241 facilities to private entities; providing criteria for
242 such leasing agreements; providing that procurements of
243 public-private partnerships are not subject to specified
244 provisions unless they are part of the procurement
245 agreement or the public-private agreement; extending the
246 unsolicited private proposal advertisement period;
247 providing criteria for qualification of public-private
248 partnerships as part of the procurement process; requiring
249 the department to perform cost-benefit, value-for-money
250 analyses of the proposed public-private partnership;
251 providing for certain innovative financing techniques for
252 public-private partnerships; authorizing the department to

253 enter into public-private partnership agreements that
254 include extended terms under certain conditions; requiring
255 certain projects to be prioritized for selection;
256 providing public-private partnership agreement term
257 limits; limiting the amount of certain funds that may be
258 obligated for public-private projects; providing for the
259 disposition of certain toll revenues; removing a provision
260 for the speed of a certain fixed-guideway transportation
261 system; amending s. 338.165, F.S.; providing for toll rate
262 increases that are tied to certain inflation indicators;
263 providing for increases beyond inflation amounts;
264 repealing part I of chapter 348, F.S.; abolishing
265 expressway authorities created under the Florida
266 Expressway Authority Act; providing for disposition of
267 assets and assumption of liabilities; providing for
268 distribution of funds; amending s. 479.01, F.S.; defining
269 the term "wall mural"; creating s. 479.156, F.S.;
270 providing for regulation of wall murals by municipalities
271 or counties; requiring that certain wall murals be located
272 in areas zoned for industrial or commercial use; requiring
273 local regulation of wall murals to be consistent with
274 specified criteria; requiring certain wall murals to be
275 approved the Department of Transportation and the Federal
276 Highway Administration; providing that wall murals shall
277 not be considered when determining specified requirements
278 of new or existing signs; amending s. 2 of ch. 89-383,
279 Laws of Florida; providing for certain alterations to and
280 along Red Road in Miami-Dade County for transportation

281 safety purposes; directing the Department of
 282 Transportation to conduct a study on the access roads to
 283 pari-mutuel facilities and Indian reservation lands where
 284 gaming activities occur; providing for the content of the
 285 study; requiring a report to the Governor and the
 286 Legislature; creating s. 163.3192, F.S.; providing for the
 287 creation of transportation concurrency backlog
 288 authorities; providing definitions; providing powers and
 289 responsibilities of such authorities; providing for
 290 transportation concurrency backlog plans; providing for
 291 the issuance of revenue bonds for certain purposes;
 292 providing for the establishment of a local trust fund
 293 within each county or municipality with an identified
 294 transportation concurrency backlog; providing exemptions
 295 from transportation concurrency requirements; providing
 296 for the satisfaction of concurrency requirements;
 297 providing for dissolution of transportation concurrency
 298 backlog authorities; providing an effective date.

299
 300 Be It Enacted by the Legislature of the State of Florida:

301
 302 Section 1. Paragraph (h) of subsection (2) of section
 303 20.23, Florida Statutes, is amended to read:

304 20.23 Department of Transportation.--There is created a
 305 Department of Transportation which shall be a decentralized
 306 agency.

307 (2)

308 (h) The commission shall appoint an executive director and

309 assistant executive director, who shall serve under the
 310 direction, supervision, and control of the commission. The
 311 executive director, with the consent of the commission, shall
 312 employ such staff as are necessary to perform adequately the
 313 functions of the commission, within budgetary limitations. All
 314 employees of the commission are exempt from part II of chapter
 315 110 and shall serve at the pleasure of the commission. The
 316 salaries and benefits of all employees of the commission, except
 317 for the executive director, shall be set in accordance with the
 318 Selected Exempt Service; ~~provided,~~ however, that the salary and
 319 benefits of the executive director shall be set in accordance
 320 with the Senior Management Service. The commission shall have
 321 complete authority for fixing the salary of the executive
 322 director and assistant executive director.

323 Section 2. Subsection (14) of section 112.061, Florida
 324 Statutes, is amended to read:

325 112.061 Per diem and travel expenses of public officers,
 326 employees, and authorized persons.--

327 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 328 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 329 ORGANIZATIONS.--

330 (a) The following entities may establish rates that vary
 331 from the per diem rate provided in paragraph (6) (a), the
 332 subsistence rates provided in paragraph (6) (b), or the mileage
 333 rate provided in paragraph (7) (d) if those rates are not less
 334 than the statutorily established rates that are in effect for
 335 the 2005-2006 fiscal year:

336 1. The governing body of a county by the enactment of an

337 ordinance or resolution;

338 2. A county constitutional officer, pursuant to s. 1(d),
 339 Art. VIII of the State Constitution, by the establishment of
 340 written policy;

341 3. The governing body of a district school board by the
 342 adoption of rules; ~~or~~

343 4. The governing body of a special district, as defined in
 344 s. 189.403(1), except those special districts that are subject
 345 to s. 166.021(10), by the enactment of a resolution; or

346 5. Any metropolitan planning organization created pursuant
 347 to s. 339.175 or any other separate legal or administrative
 348 entity created pursuant to s. 339.175 of which a metropolitan
 349 planning organization is a member, by the enactment of a
 350 resolution.

351 (b) Rates established pursuant to paragraph (a) must apply
 352 uniformly to all travel by the county, county constitutional
 353 officer and entity governed by that officer, district school
 354 board, ~~or special district,~~ or metropolitan planning
 355 organization.

356 (c) Except as otherwise provided in this subsection,
 357 counties, county constitutional officers and entities governed
 358 by those officers, district school boards, ~~and special~~
 359 districts, and metropolitan planning organizations, other than
 360 those subject to s. 166.021(10), remain subject to the
 361 requirements of this section.

362 Section 3. Subsection (1) of section 120.52, Florida
 363 Statutes, is amended to read:

364 120.52 Definitions.--As used in this act:

365 (1) "Agency" means:

366 (a) The Governor in the exercise of all executive powers

367 other than those derived from the constitution.

368 (b) Each:

369 1. State officer and state department, and each

370 departmental unit described in s. 20.04.

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

372 3. Board.

373 4. Commission, including the Commission on Ethics and the

374 Fish and Wildlife Conservation Commission when acting pursuant

375 to statutory authority derived from the Legislature.

376 5. Regional planning agency.

377 6. Multicounty special district with a majority of its

378 governing board comprised of nonelected persons.

379 7. Educational units.

380 8. Entity described in chapters 163, 373, 380, and 582 and

381 s. 186.504.

382 (c) Each other unit of government in the state, including

383 counties and municipalities, to the extent they are expressly

384 made subject to this act by general or special law or existing

385 judicial decisions.

386

387 This definition does not include any legal entity or agency

388 created in whole or in part pursuant to chapter 361, part II,

389 any metropolitan planning organization created pursuant to s.

390 339.175, any separate legal or administrative entity created

391 pursuant to s. 339.175 of which a metropolitan planning

392 organization is a member, an expressway authority pursuant to

393 chapter 348 or transportation authority under chapter 349, any
394 legal or administrative entity created by an interlocal
395 agreement pursuant to s. 163.01(7), unless any party to such
396 agreement is otherwise an agency as defined in this subsection,
397 or any multicounty special district with a majority of its
398 governing board comprised of elected persons; however, this
399 definition shall include a regional water supply authority.

400 Section 4. Subsection (3) of section 349.03, Florida
401 Statutes, is amended to read:

402 349.03 Jacksonville Transportation Authority.--

403 (3) The terms of appointed members shall be for 4 years
404 deemed to have commenced on June 1 of the year in which they are
405 appointed. Each member shall hold office until a successor has
406 been appointed and has qualified. A vacancy during a term shall
407 be filled by the respective appointing authority only for the
408 balance of the unexpired term. Any member appointed to the
409 authority for two consecutive full terms shall not be eligible
410 for appointment to the next succeeding term. One of the members
411 so appointed shall be designated annually by the members as
412 chair of the authority, one member shall be designated annually
413 as the vice chair of the authority, one member shall be
414 designated annually as the secretary of the authority, and one
415 member shall be designated annually as the treasurer of the
416 authority. The members of the authority shall not be entitled to
417 compensation, but shall be reimbursed for travel expenses or
418 other expenses actually incurred in their duties as provided by
419 law. Four voting members of the authority shall constitute a
420 quorum, and no resolution adopted by the authority shall become

421 effective unless with the affirmative vote of at least four
 422 members. The authority shall ~~may~~ employ an executive director,
 423 and the executive director may hire such staff, permanent or
 424 temporary, as he or she may determine and may organize the staff
 425 of the authority into such departments and units as he or she
 426 may determine ~~divisions as it deems necessary~~. The executive
 427 director ~~It~~ may appoint department directors, deputy directors,
 428 division chiefs, and staff assistants to the executive director,
 429 as he or she may determine. In so appointing the executive
 430 director, the authority may fix the compensation of such
 431 appointee ~~those appointees~~, who shall serve at the pleasure of
 432 the authority. All employees of the authority shall be exempt
 433 from the provisions of part II of chapter 110. The authority may
 434 employ such financial advisers and consultants, technical
 435 experts, engineers, and agents and employees, permanent or
 436 temporary, as it may require and may fix the compensation and
 437 qualifications of such persons, firms, or corporations. The
 438 authority may delegate to one or more of its agents or employees
 439 such of its powers as it shall deem necessary to carry out the
 440 purposes of this chapter, subject always to the supervision and
 441 control of the governing body of the authority.

442 Section 5. Paragraph (n) is added to subsection (2) of
 443 section 349.04, Florida Statutes, to read:

444 349.04 Purposes and powers.--

445 (2) The authority is hereby granted, and shall have and
 446 may exercise all powers necessary, appurtenant, convenient, or
 447 incidental to the carrying out of the aforesaid purposes,
 448 including, but without being limited to, the right and power:

449 (n) To adopt rules to carry out the powers and obligations
450 herein granted, which set forth a purpose, necessary
451 definitions, forms, general conditions and procedures, and fines
452 and penalties, including, without limitation, suspension or
453 debarment, and charges for nonperformance, with respect to any
454 aspect of the work or function of the authority for the
455 permitting, planning, funding, design, acquisition,
456 construction, equipping, operation, and maintenance of
457 transportation facilities, transit and highway, within the
458 state, provided or operated by the authority or others in
459 cooperation with or at the direction of the authority, and for
460 carrying out all other purposes of the authority set forth or
461 authorized in this chapter.

462 Section 6. Subsection (11), paragraph (a) of subsection
463 (42), and paragraph (b) of subsection (52) of section 121.021,
464 Florida Statutes, are amended, and subsection (62) is added to
465 that section, to read:

466 121.021 Definitions.--The following words and phrases as
467 used in this chapter have the respective meanings set forth
468 unless a different meaning is plainly required by the context:

469 (11) "Officer or employee" means any person receiving
470 salary payments for work performed in a regularly established
471 position and, if employed by a city, a metropolitan planning
472 organization, or a special district, employed in a covered
473 group.

474 (42) (a) "Local agency employer" means the board of county
475 commissioners or other legislative governing body of a county,
476 however styled, including that of a consolidated or metropolitan

477 government; a clerk of the circuit court, sheriff, property
 478 appraiser, tax collector, or supervisor of elections, provided
 479 such officer is elected or has been appointed to fill a vacancy
 480 in an elective office; a community college board of trustees or
 481 district school board; or the governing body of any city,
 482 metropolitan planning organization created pursuant to s.
 483 339.175 or any other separate legal or administrative entity
 484 created pursuant to s. 339.175, or special district of the state
 485 which participates in the system for the benefit of certain of
 486 its employees.

487 (52) "Regularly established position" is defined as
 488 follows:

489 (b) In a local agency (district school board, county
 490 agency, community college, city, metropolitan planning
 491 organization, or special district), the term means a regularly
 492 established position which will be in existence for a period
 493 beyond 6 consecutive months, except as provided by rule.

494 (62) "Metropolitan planning organization" means an entity
 495 created by an interlocal agreement pursuant to s. 339.175 or any
 496 other entity created pursuant to s. 339.175.

497 Section 7. Paragraph (b) of subsection (2) of section
 498 121.051, Florida Statutes, is amended to read:

499 121.051 Participation in the system.--

500 (2) OPTIONAL PARTICIPATION.--

501 (b)1. The governing body of any municipality, metropolitan
 502 planning organization, or special district in the state may
 503 elect to participate in the system upon proper application to
 504 the administrator and may cover all or any of its units as

505 approved by the Secretary of Health and Human Services and the
506 administrator. The department shall adopt rules establishing
507 provisions for the submission of documents necessary for such
508 application. Prior to being approved for participation in the
509 Florida Retirement System, the governing body of any such
510 municipality, metropolitan planning organization, or special
511 district that has a local retirement system shall submit to the
512 administrator a certified financial statement showing the
513 condition of the local retirement system as of a date within 3
514 months prior to the proposed effective date of membership in the
515 Florida Retirement System. The statement must be certified by a
516 recognized accounting firm that is independent of the local
517 retirement system. All required documents necessary for
518 extending Florida Retirement System coverage must be received by
519 the department for consideration at least 15 days prior to the
520 proposed effective date of coverage. If the municipality,
521 metropolitan planning organization, or special district does not
522 comply with this requirement, the department may require that
523 the effective date of coverage be changed.

524 2. Any city, metropolitan planning organization, or
525 special district that has an existing retirement system covering
526 the employees in the units that are to be brought under the
527 Florida Retirement System may participate only after holding a
528 referendum in which all employees in the affected units have the
529 right to participate. Only those employees electing coverage
530 under the Florida Retirement System by affirmative vote in said
531 referendum shall be eligible for coverage under this chapter,
532 and those not participating or electing not to be covered by the

533 Florida Retirement System shall remain in their present systems
 534 and shall not be eligible for coverage under this chapter. After
 535 the referendum is held, all future employees shall be compulsory
 536 members of the Florida Retirement System.

537 3. The governing body of any city, metropolitan planning
 538 organization, or special district complying with subparagraph 1.
 539 may elect to provide, or not provide, benefits based on past
 540 service of officers and employees as described in s. 121.081(1).
 541 However, if such employer elects to provide past service
 542 benefits, such benefits must be provided for all officers and
 543 employees of its covered group.

544 4. Once this election is made and approved it may not be
 545 revoked, except pursuant to subparagraphs 5. and 6., and all
 546 present officers and employees electing coverage under this
 547 chapter and all future officers and employees shall be
 548 compulsory members of the Florida Retirement System.

549 5. Subject to the conditions set forth in subparagraph 6.,
 550 the governing body of any hospital licensed under chapter 395
 551 which is governed by the board of a special district as defined
 552 in s. 189.403(1) or by the board of trustees of a public health
 553 trust created under s. 154.07, hereinafter referred to as
 554 "hospital district," and which participates in the system, may
 555 elect to cease participation in the system with regard to future
 556 employees in accordance with the following procedure:

557 a. No more than 30 days and at least 7 days before
 558 adopting a resolution to partially withdraw from the Florida
 559 Retirement System and establish an alternative retirement plan
 560 for future employees, a public hearing must be held on the

561 proposed withdrawal and proposed alternative plan.

562 b. From 7 to 15 days before such hearing, notice of intent
563 to withdraw, specifying the time and place of the hearing, must
564 be provided in writing to employees of the hospital district
565 proposing partial withdrawal and must be published in a
566 newspaper of general circulation in the area affected, as
567 provided by ss. 50.011-50.031. Proof of publication of such
568 notice shall be submitted to the Department of Management
569 Services.

570 c. The governing body of any hospital district seeking to
571 partially withdraw from the system must, before such hearing,
572 have an actuarial report prepared and certified by an enrolled
573 actuary, as defined in s. 112.625(3), illustrating the cost to
574 the hospital district of providing, through the retirement plan
575 that the hospital district is to adopt, benefits for new
576 employees comparable to those provided under the Florida
577 Retirement System.

578 d. Upon meeting all applicable requirements of this
579 subparagraph, and subject to the conditions set forth in
580 subparagraph 6., partial withdrawal from the system and adoption
581 of the alternative retirement plan may be accomplished by
582 resolution duly adopted by the hospital district board. The
583 hospital district board must provide written notice of such
584 withdrawal to the division by mailing a copy of the resolution
585 to the division, postmarked no later than December 15, 1995. The
586 withdrawal shall take effect January 1, 1996.

587 6. Following the adoption of a resolution under sub-
588 subparagraph 5.d., all employees of the withdrawing hospital

589 district who were participants in the Florida Retirement System
 590 prior to January 1, 1996, shall remain as participants in the
 591 system for as long as they are employees of the hospital
 592 district, and all rights, duties, and obligations between the
 593 hospital district, the system, and the employees shall remain in
 594 full force and effect. Any employee who is hired or appointed on
 595 or after January 1, 1996, may not participate in the Florida
 596 Retirement System, and the withdrawing hospital district shall
 597 have no obligation to the system with respect to such employees.

598 Section 8. Paragraph (1) is added to subsection (1) of
 599 section 121.055, Florida Statutes, to read:

600 121.055 Senior Management Service Class.--There is hereby
 601 established a separate class of membership within the Florida
 602 Retirement System to be known as the "Senior Management Service
 603 Class," which shall become effective February 1, 1987.

604 (1)

605 (1) For each metropolitan planning organization that has
 606 opted to become part of the Florida Retirement System,
 607 participation in the Senior Management Service Class shall be
 608 compulsory for the executive director or staff director of that
 609 metropolitan planning organization.

610 Section 9. Paragraphs (a) and (c) of subsection (2) of
 611 section 121.061, Florida Statutes, are amended to read:

612 121.061 Funding.--

613 (2) (a) Should any employer other than a state employer
 614 fail to make the retirement and social security contributions,
 615 both member and employer contributions, required by this
 616 chapter, then, upon request by the administrator, the Department

617 of Revenue or the Department of Financial Services, as the case
618 may be, shall deduct the amount owed by the employer from any
619 funds to be distributed by it to the county, city, metropolitan
620 planning organization, special district, or consolidated form of
621 government. The amounts so deducted shall be transferred to the
622 administrator for further distribution to the trust funds in
623 accordance with this chapter.

624 (c) The governing body of each county, city, metropolitan
625 planning organization, special district, or consolidated form of
626 government participating under this chapter or the
627 administrator, acting individually or jointly, is hereby
628 authorized to file and maintain an action in the courts of the
629 state to require any employer to remit any retirement or social
630 security member contributions or employer matching payments due
631 the retirement or social security trust funds under the
632 provisions of this chapter.

633 Section 10. Paragraphs (a), (b), and (e) of subsection (1)
634 of section 121.081, Florida Statutes, are amended to read:

635 121.081 Past service; prior service;
636 contributions.--Conditions under which past service or prior
637 service may be claimed and credited are:

638 (1)(a) Past service, as defined in s. 121.021(18), may be
639 claimed as creditable service by officers or employees of a
640 city, metropolitan planning organization, or special district
641 that become a covered group under this system. The governing
642 body of a covered group in compliance with s. 121.051(2)(b) may
643 elect to provide benefits with respect to past service earned
644 prior to January 1, 1975, in accordance with this chapter, and

645 the cost for such past service shall be established by applying
646 the following formula: The member contribution for both regular
647 and special risk members shall be 4 percent of the gross annual
648 salary for each year of past service claimed, plus 4-percent
649 employer matching contribution, plus 4 percent interest thereon
650 compounded annually, figured on each year of past service, with
651 interest compounded from date of annual salary earned until July
652 1, 1975, and 6.5 percent interest compounded annually thereafter
653 until date of payment. Once the total cost for a member has been
654 figured to date, then after July 1, 1975, 6.5 percent compounded
655 interest shall be added each June 30 thereafter on any unpaid
656 balance until the cost of such past service liability is paid in
657 full. The following formula shall be used in calculating past
658 service earned prior to January 1, 1975: (Annual gross salary
659 multiplied by 8 percent) multiplied by the 4 percent or 6.5
660 percent compound interest table factor, as may be applicable.
661 The resulting product equals cost to date for each particular
662 year of past service.

663 (b) Past service earned after January 1, 1975, may be
664 claimed by officers or employees of a city, metropolitan
665 planning organization, or special district that becomes a
666 covered group under this system. The governing body of a covered
667 group may elect to provide benefits with respect to past service
668 earned after January 1, 1975, in accordance with this chapter,
669 and the cost for such past service shall be established by
670 applying the following formula: The employer shall contribute an
671 amount equal to the contribution rate in effect at the time the
672 service was earned, multiplied by the employee's gross salary

673 for each year of past service claimed, plus 6.5 percent interest
 674 thereon, compounded annually, figured on each year of past
 675 service, with interest compounded from date of annual salary
 676 earned until date of payment.

677 (e) Past service, as defined in s. 121.021(18), may be
 678 claimed as creditable service by a member of the Florida
 679 Retirement System who formerly was an officer or employee of a
 680 city, metropolitan planning organization, or special district,
 681 notwithstanding the status or form of the retirement system, if
 682 any, of that city, metropolitan planning organization, or
 683 special district and irrespective of whether officers or
 684 employees of that city, metropolitan planning organization, or
 685 special district now or hereafter become a covered group under
 686 the Florida Retirement System. Such member may claim creditable
 687 service and be entitled to the benefits accruing to the regular
 688 class of members as provided for the past service claimed under
 689 this paragraph by paying into the retirement trust fund an
 690 amount equal to the total actuarial cost of providing the
 691 additional benefit resulting from such past-service credit,
 692 discounted by the applicable actuarial factors to date of
 693 retirement.

694 Section 11. Paragraph (e) of subsection (2) of section
 695 212.055, Florida Statutes, is amended to read:

696 212.055 Discretionary sales surtaxes; legislative intent;
 697 authorization and use of proceeds.--It is the legislative intent
 698 that any authorization for imposition of a discretionary sales
 699 surtax shall be published in the Florida Statutes as a
 700 subsection of this section, irrespective of the duration of the

701 levy. Each enactment shall specify the types of counties
 702 authorized to levy; the rate or rates which may be imposed; the
 703 maximum length of time the surtax may be imposed, if any; the
 704 procedure which must be followed to secure voter approval, if
 705 required; the purpose for which the proceeds may be expended;
 706 and such other requirements as the Legislature may provide.
 707 Taxable transactions and administrative procedures shall be as
 708 provided in s. 212.054.

709 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

710 (e) School districts, counties, and municipalities
 711 receiving proceeds under the provisions of this subsection may
 712 pledge such proceeds for the purpose of servicing new bond
 713 indebtedness incurred pursuant to law. Local governments may use
 714 the services of the Division of Bond Finance of the State Board
 715 of Administration pursuant to the State Bond Act to issue any
 716 bonds through the provisions of this subsection. ~~In no case may~~
 717 ~~a jurisdiction issue bonds pursuant to this subsection more~~
 718 ~~frequently than once per year.~~ Counties and municipalities may
 719 join together for the issuance of bonds authorized by this
 720 subsection.

721 Section 12. Subsection (1) of section 215.615, Florida
 722 Statutes, is amended to read:

723 215.615 Fixed-guideway transportation systems funding.--

724 (1) The issuance of revenue bonds by the Division of Bond
 725 Finance, on behalf of the Department of Transportation, pursuant
 726 to s. 11, Art. VII of the State Constitution, is authorized,
 727 pursuant to the State Bond Act, to finance or refinance fixed
 728 capital expenditures for fixed-guideway transportation systems,

729 as defined in s. 341.031, including facilities appurtenant
730 thereto, costs of issuance, and other amounts relating to such
731 financing or refinancing. ~~Such revenue bonds shall be matched on~~
732 ~~a 50-50 basis with funds from sources other than revenues of the~~
733 ~~Department of Transportation, in a manner acceptable to the~~
734 ~~Department of Transportation.~~ The Division of Bond Finance is
735 authorized to consider innovative financing techniques,
736 ~~technologies~~ which may include, but are not limited to,
737 innovative bidding and structures of potential financings
738 ~~findings~~ that may result in negotiated transactions. The
739 following conditions apply to the issuance of revenue bonds for
740 fixed-guideway transportation systems:

741 (a) The department and any participating commuter rail
742 authority or regional transportation authority established under
743 chapter 343, local governments, or local governments
744 collectively by interlocal agreement having jurisdiction of a
745 fixed-guideway transportation system may enter into an
746 interlocal agreement to promote the efficient and cost-effective
747 financing or refinancing of fixed-guideway transportation system
748 projects by revenue bonds issued pursuant to this subsection.
749 The terms of such interlocal agreements shall include provisions
750 for the Department of Transportation to request the issuance of
751 the bonds on behalf of the parties; shall provide that after
752 reimbursement pursuant to interlocal agreement, the department's
753 share may be up to 50 percent of the eligible project cost,
754 which may include a share of annual ~~each party to the agreement~~
755 ~~is contractually liable for an equal share of funding an amount~~
756 ~~equal to the debt service requirements of such bonds; and shall~~

757 include any other terms, provisions, or covenants necessary to
758 the making of and full performance under such interlocal
759 agreement. Repayments made to the department under any
760 interlocal agreement are not pledged to the repayment of bonds
761 issued hereunder, and failure of the local governmental
762 authority to make such payment shall not affect the obligation
763 of the department to pay debt service on the bonds.

764 (b) Revenue bonds issued pursuant to this subsection shall
765 not constitute a general obligation of, or a pledge of the full
766 faith and credit of, the State of Florida. Bonds issued pursuant
767 to this section shall be payable from funds available pursuant
768 to s. 206.46(3), or other funds available to the project,
769 subject to annual appropriation. The amount of revenues
770 available for debt service shall never exceed a maximum of 2
771 percent of all state revenues deposited into the State
772 Transportation Trust Fund.

773 (c) The projects to be financed or refinanced with the
774 proceeds of the revenue bonds issued hereunder are designated as
775 state fixed capital outlay projects for purposes of s. 11(d),
776 Art. VII of the State Constitution, and the specific projects to
777 be financed or refinanced shall be determined by the Department
778 of Transportation in accordance with state law and
779 appropriations from the State Transportation Trust Fund. Each
780 project to be financed with the proceeds of the bonds issued
781 pursuant to this subsection must first be approved by the
782 Legislature by an act of general law.

783 (d) Any complaint for validation of bonds issued pursuant
784 to this section shall be filed in the circuit court of the

785 county where the seat of state government is situated, the
 786 notice required to be published by s. 75.06 shall be published
 787 only in the county where the complaint is filed, and the
 788 complaint and order of the circuit court shall be served only on
 789 the state attorney of the circuit in which the action is
 790 pending.

791 (e) The state does hereby covenant with holders of such
 792 revenue bonds or other instruments of indebtedness issued
 793 hereunder, that it will not repeal or impair or amend these
 794 provisions in any manner that will materially and adversely
 795 affect the rights of such holders as long as bonds authorized by
 796 this subsection are outstanding.

797 (f) This subsection supersedes any inconsistent provisions
 798 in existing law.

799
 800 Notwithstanding this subsection, the lien of revenue bonds
 801 issued pursuant to this subsection on moneys deposited into the
 802 State Transportation Trust Fund shall be subordinate to the lien
 803 on such moneys of bonds issued under ss. 215.605, 320.20, and
 804 215.616, and any pledge of such moneys to pay operating and
 805 maintenance expenses under s. 206.46(5) and chapter 348, as may
 806 be amended.

807 Section 13. Section 316.2123, Florida Statutes, is amended
 808 to read:

809 316.2123 Operation of an ATV on certain roadways.--

810 (1) The operation of an ATV, as defined in s. 317.0003,
 811 upon the public roads or streets of this state is prohibited,
 812 except that an ATV may be operated during the daytime on an

813 unpaved roadway where the posted speed limit is less than 35
 814 miles per hour ~~by a licensed driver or by a minor under the~~
 815 ~~supervision of a licensed driver. The operator must provide~~
 816 ~~proof of ownership pursuant to chapter 317 upon request by a law~~
 817 ~~enforcement officer.~~

818 (2) A county is exempt from this section if the governing
 819 body of the county, by majority vote, following a noticed public
 820 hearing, votes to exempt the county from this section.

821 Alternatively, a county may, by majority vote after such a
 822 hearing, designate certain unpaved roadways where an ATV may be
 823 operated during the daytime as long as each such designated
 824 roadway has a posted speed limit of less than 35 miles per hour
 825 and is appropriately marked to indicate permissible ATV use.

826 (3) Any ATV operation that is permitted under subsection
 827 (1) or subsection (2) may be undertaken only by a licensed
 828 driver or a minor who is under the direct supervision of a
 829 licensed driver. The operator must provide proof of ownership
 830 under chapter 317 upon the request of a law enforcement officer.

831 Section 14. Subsection (1) of section 316.605, Florida
 832 Statutes, is amended to read:

833 316.605 Licensing of vehicles.--

834 (1) Every vehicle, at all times while driven, stopped, or
 835 parked upon any highways, roads, or streets of this state, shall
 836 be licensed in the name of the owner thereof in accordance with
 837 the laws of this state unless such vehicle is not required by
 838 the laws of this state to be licensed in this state and shall,
 839 except as otherwise provided in s. 320.0706 for front-end
 840 registration license plates on truck tractors and s. 320.086(5)

841 | which exempts display of license plates on described former
842 | military vehicles, display the license plate or both of the
843 | license plates assigned to it by the state, one on the rear and,
844 | if two, the other on the front of the vehicle, each to be
845 | securely fastened to the vehicle outside the main body of the
846 | vehicle not higher than 60 inches and not lower than 12 inches
847 | from the ground and no more than 24 inches to the left or right
848 | of the centerline of the vehicle, and in such manner as to
849 | prevent the plates from swinging, and all letters, numerals,
850 | printing, writing, and other identification marks upon the
851 | plates regarding the word "Florida," the registration decal, and
852 | the alphanumeric designation shall be clear and distinct and
853 | free from defacement, mutilation, grease, and other obscuring
854 | matter, so that they will be plainly visible and legible at all
855 | times 100 feet from the rear or front. Vehicle license plates
856 | shall be affixed and displayed in such a manner that the letters
857 | and numerals shall be read from left to right parallel to the
858 | ground. No vehicle license plate may be displayed in an inverted
859 | or reversed position or in such a manner that the letters and
860 | numbers and their proper sequence are not readily identifiable.
861 | Nothing shall be placed upon the face of a Florida plate except
862 | as permitted by law or by rule or regulation of a governmental
863 | agency. No license plates other than those furnished by the
864 | state shall be used. However, if the vehicle is not required to
865 | be licensed in this state, the license plates on such vehicle
866 | issued by another state, by a territory, possession, or district
867 | of the United States, or by a foreign country, substantially
868 | complying with the provisions hereof, shall be considered as

869 complying with this chapter. A violation of this subsection is a
870 noncriminal traffic infraction, punishable as a nonmoving
871 violation as provided in chapter 318.

872 Section 15. Paragraph (b) of subsection (3) of section
873 316.650, Florida Statutes, is amended to read:

874 316.650 Traffic citations.--

875 (3)

876 (b) If a traffic citation is issued pursuant to s.
877 316.1001, a traffic enforcement officer may deposit the original
878 and one copy of such traffic citation or, in the case of a
879 traffic enforcement agency that has an automated citation
880 system, may provide an electronic facsimile with a court having
881 jurisdiction over the alleged offense or with its traffic
882 violations bureau within 45 days after the date of issuance of
883 the citation to the violator. If the person cited for the
884 violation of s. 316.1001 makes the election provided by s.
885 318.14(12) and pays the \$25 fine, or such other amount as
886 imposed by the governmental entity owning the applicable toll
887 facility, plus the amount of the unpaid toll that is shown on
888 the traffic citation directly to the governmental entity that
889 issued the citation, or on whose behalf the citation was issued,
890 in accordance with s. 318.14(12), the traffic citation will not
891 be submitted to the court, the disposition will be reported to
892 the department by the governmental entity that issued the
893 citation, or on whose behalf the citation was issued, and no
894 points will be assessed against the person's driver's license.

895 Section 16. Subsection (12) of section 318.14, Florida
896 Statutes, is amended to read:

897 318.14 Noncriminal traffic infractions; exception;
 898 procedures.--

899 (12) Any person cited for a violation of s. 316.1001 may,
 900 in lieu of making an election as set forth in subsection (4) or
 901 s. 318.18(7), elect to pay a his or her fine of \$25, or such
 902 other amount as imposed by the governmental entity owning the
 903 applicable toll facility, plus the amount of the unpaid toll
 904 that is shown on the traffic citation directly to the
 905 governmental entity that issued the citation, or on whose behalf
 906 the citation was issued, within 30 days after the date of
 907 issuance of the citation. Any person cited for a violation of s.
 908 316.1001 who does not elect to pay the fine imposed by the
 909 governmental entity owning the applicable toll facility plus the
 910 amount of the unpaid toll that is shown on the traffic citation
 911 directly to the governmental entity that issued the citation, or
 912 on whose behalf the citation was issued, as described in this
 913 subsection ~~section~~ shall have an additional 45 days after the
 914 date of the issuance of the citation in which to request a court
 915 hearing or to pay the civil penalty and delinquent fee, if
 916 applicable, as provided in s. 318.18(7), either by mail or in
 917 person, in accordance with subsection (4).

918 Section 17. Section 318.18, Florida Statutes, is amended
 919 to read:

920 318.18 Amount of ~~civil~~ penalties.--The penalties required
 921 for a noncriminal disposition pursuant to s. 318.14 or a
 922 criminal offense listed in s. 318.17 are as follows:

- 923 (1) Fifteen dollars for:
- 924 (a) All infractions of pedestrian regulations.

925 (b) All infractions of s. 316.2065, unless otherwise
926 specified.

927 (c) Other violations of chapter 316 by persons 14 years of
928 age or under who are operating bicycles, regardless of the
929 noncriminal traffic infraction's classification.

930 (2) Thirty dollars for all nonmoving traffic violations
931 and:

932 (a) For all violations of s. 322.19.

933 (b) For all violations of ss. 320.0605, 320.07(1),
934 322.065, and 322.15(1). Any person who is cited for a violation
935 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
936 320.07(4).

937 1. If a person who is cited for a violation of s. 320.0605
938 or s. 320.07 can show proof of having a valid registration at
939 the time of arrest, the clerk of the court may dismiss the case
940 and may assess a dismissal fee of up to \$7.50. A person who
941 finds it impossible or impractical to obtain a valid
942 registration certificate must submit an affidavit detailing the
943 reasons for the impossibility or impracticality. The reasons may
944 include, but are not limited to, the fact that the vehicle was
945 sold, stolen, or destroyed; that the state in which the vehicle
946 is registered does not issue a certificate of registration; or
947 that the vehicle is owned by another person.

948 2. If a person who is cited for a violation of s. 322.03,
949 s. 322.065, or s. 322.15 can show a driver's license issued to
950 him or her and valid at the time of arrest, the clerk of the
951 court may dismiss the case and may assess a dismissal fee of up
952 to \$7.50.

953 3. If a person who is cited for a violation of s. 316.646
954 can show proof of security as required by s. 627.733, issued to
955 the person and valid at the time of arrest, the clerk of the
956 court may dismiss the case and may assess a dismissal fee of up
957 to \$7.50. A person who finds it impossible or impractical to
958 obtain proof of security must submit an affidavit detailing the
959 reasons for the impracticality. The reasons may include, but are
960 not limited to, the fact that the vehicle has since been sold,
961 stolen, or destroyed; that the owner or registrant of the
962 vehicle is not required by s. 627.733 to maintain personal
963 injury protection insurance; or that the vehicle is owned by
964 another person.

965 (c) For all violations of ss. 316.2935 and 316.610.
966 However, for a violation of s. 316.2935 or s. 316.610, if the
967 person committing the violation corrects the defect and obtains
968 proof of such timely repair by an affidavit of compliance
969 executed by the law enforcement agency within 30 days from the
970 date upon which the traffic citation was issued, and pays \$4 to
971 the law enforcement agency, thereby completing the affidavit of
972 compliance, then upon presentation of said affidavit by the
973 defendant to the clerk within the 30-day time period set forth
974 under s. 318.14(4), the fine must be reduced to \$7.50, which the
975 clerk of the court shall retain.

976 (d) For all violations of s. 316.126(1)(b), unless
977 otherwise specified.

978 (3)(a) Except as otherwise provided in this section, \$60
979 for all moving violations not requiring a mandatory appearance.

980 (b) For moving violations involving unlawful speed, the

981 fines are as follows:

982

For speed exceeding the limit by:.....	Fine:
984 1-5 m.p.h.....	Warning
985 6-9 m.p.h.....	\$ 25
986 10-14 m.p.h.....	\$100
987 15-19 m.p.h.....	\$125
988 20-29 m.p.h.....	\$150
989 30 m.p.h. and above.....	\$250

990 (c) Notwithstanding paragraph (b), a person cited for
 991 exceeding the speed limit by up to 5 m.p.h. in a legally posted
 992 school zone will be fined \$50. A person exceeding the speed
 993 limit in a school zone shall pay a fine double the amount listed
 994 in paragraph (b).

995 (d) A person cited for exceeding the speed limit in a
 996 posted construction zone, which posting must include
 997 notification of the speed limit and the doubling of fines, shall
 998 pay a fine double the amount listed in paragraph (b). The fine
 999 shall be doubled for construction zone violations only if
 1000 construction personnel are present or operating equipment on the
 1001 road or immediately adjacent to the road under construction.

1002 (e) A person cited for exceeding the speed limit in an
 1003 enhanced penalty zone shall pay a fine amount of \$50 plus the
 1004 amount listed in paragraph (b). Notwithstanding paragraph (b), a
 1005 person cited for exceeding the speed limit by up to 5 m.p.h. in
 1006 a legally posted enhanced penalty zone shall pay a fine amount
 1007 of \$50.

1008 (f) If a violation of s. 316.1301 or s. 316.1303 results

1009 | in an injury to the pedestrian or damage to the property of the
1010 | pedestrian, an additional fine of up to \$250 shall be paid. This
1011 | amount must be distributed pursuant to s. 318.21.

1012 | (g) A person cited for exceeding the speed limit within a
1013 | zone posted for any electronic or manual toll collection
1014 | facility shall pay a fine double the amount listed in paragraph
1015 | (b). However, no person cited for exceeding the speed limit in
1016 | any toll collection zone shall be subject to a doubled fine
1017 | unless the governmental entity or authority controlling the toll
1018 | collection zone first installs a traffic control device
1019 | providing warning that speeding fines are doubled. Any such
1020 | traffic control device must meet the requirements of the uniform
1021 | system of traffic control devices.

1022 | (h) A person cited for a second or subsequent conviction
1023 | of speed exceeding the limit by 30 miles per hour and above
1024 | within a 12-month period shall pay a fine that is double the
1025 | amount listed in paragraph (b). For purposes of this paragraph,
1026 | the term "conviction" means a finding of guilt as a result of a
1027 | jury verdict, nonjury trial, or entry of a plea of guilty.
1028 | Moneys received from the increased fine imposed by this
1029 | paragraph shall be remitted to the Department of Revenue and
1030 | deposited into the Department of Health Administrative Trust
1031 | Fund to provide financial support to certified trauma centers to
1032 | assure the availability and accessibility of trauma services
1033 | throughout the state. Funds deposited into the Administrative
1034 | Trust Fund under this section shall be allocated as follows:
1035 | 1. Fifty percent shall be allocated equally among all
1036 | Level I, Level II, and pediatric trauma centers in recognition

1037 of readiness costs for maintaining trauma services.

1038 2. Fifty percent shall be allocated among Level I, Level
 1039 II, and pediatric trauma centers based on each center's relative
 1040 volume of trauma cases as reported in the Department of Health
 1041 Trauma Registry.

1042 (4) The penalty imposed under s. 316.545 shall be
 1043 determined by the officer in accordance with the provisions of
 1044 ss. 316.535 and 316.545.

1045 (5) (a) One hundred dollars for a violation of s.
 1046 316.172(1) (a), failure to stop for a school bus. If, at a
 1047 hearing, the alleged offender is found to have committed this
 1048 offense, the court shall impose a minimum civil penalty of \$100.
 1049 In addition to this penalty, for a second or subsequent offense
 1050 within a period of 5 years, the department shall suspend the
 1051 driver's license of the person for not less than 90 days and not
 1052 more than 6 months.

1053 (b) Two hundred dollars for a violation of s.
 1054 316.172(1) (b), passing a school bus on the side that children
 1055 enter and exit when the school bus displays a stop signal. If,
 1056 at a hearing, the alleged offender is found to have committed
 1057 this offense, the court shall impose a minimum civil penalty of
 1058 \$200. In addition to this penalty, for a second or subsequent
 1059 offense within a period of 5 years, the department shall suspend
 1060 the driver's license of the person for not less than 180 days
 1061 and not more than 1 year.

1062 (6) One hundred dollars or the fine amount designated by
 1063 county ordinance, plus court costs for illegally parking, under
 1064 s. 316.1955, in a parking space provided for people who have

1065 disabilities. However, this fine will be waived if a person
 1066 provides to the law enforcement agency that issued the citation
 1067 for such a violation proof that the person committing the
 1068 violation has a valid parking permit or license plate issued
 1069 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
 1070 or s. 320.0848 or a signed affidavit that the owner of the
 1071 disabled parking permit or license plate was present at the time
 1072 the violation occurred, and that such a parking permit or
 1073 license plate was valid at the time the violation occurred. The
 1074 law enforcement officer, upon determining that all required
 1075 documentation has been submitted verifying that the required
 1076 parking permit or license plate was valid at the time of the
 1077 violation, must sign an affidavit of compliance. Upon provision
 1078 of the affidavit of compliance and payment of a dismissal fee of
 1079 up to \$7.50 to the clerk of the circuit court, the clerk shall
 1080 dismiss the citation.

1081 (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a
 1082 violation of s. 316.1001 plus the amount of the unpaid toll
 1083 shown on the traffic citation for each citation issued. The
 1084 clerk of the court shall forward \$25 of the \$100 fine received,
 1085 plus the amount of the unpaid toll that is shown on the
 1086 citation, to the governmental entity that issued the citation,
 1087 or on whose behalf the citation was issued. If a plea
 1088 arrangement is reached prior to the date set for a scheduled
 1089 evidentiary hearing and adjudication is withheld, there shall be
 1090 a mandatory fine assessed per citation of not less than \$50 and
 1091 not more than \$100, plus the amount of the unpaid toll for each
 1092 citation issued. The clerk of the court shall forward \$25 of the

1093 fine imposed plus the amount of the unpaid toll that is shown on
1094 the citation to the governmental entity that issued the citation
1095 or on whose behalf the citation was issued. The court shall have
1096 specific authority to consolidate issued citations for the same
1097 defendant for the purpose of sentencing and aggregate
1098 jurisdiction. In addition, the department shall suspend for 60
1099 days the driver's license of a person who is convicted of 10
1100 violations of s. 316.1001 within a 36-month period. However, a
1101 ~~person may elect to pay \$30 to the clerk of the court, in which~~
1102 ~~ease adjudication is withheld, and no points are assessed under~~
1103 ~~s. 322.27. Upon receipt of the fine, the clerk of the court must~~
1104 ~~retain \$5 for administrative purposes and must forward the \$25~~
1105 ~~to the governmental entity that issued the citation. Any funds~~
1106 received by a governmental entity for this violation may be used
1107 for any lawful purpose related to the operation or maintenance
1108 of a toll facility.

1109 (8) (a) Any person who fails to comply with the court's
1110 requirements or who fails to pay the civil penalties specified
1111 in this section within the 30-day period provided for in s.
1112 318.14 must pay an additional civil penalty of \$12, \$2.50 of
1113 which must be remitted to the Department of Revenue for deposit
1114 in the General Revenue Fund, and \$9.50 of which must be remitted
1115 to the Department of Revenue for deposit in the Highway Safety
1116 Operating Trust Fund. The department shall contract with the
1117 Florida Association of Court Clerks, Inc., to design, establish,
1118 operate, upgrade, and maintain an automated statewide Uniform
1119 Traffic Citation Accounting System to be operated by the clerks
1120 of the court which shall include, but not be limited to, the

1121 accounting for traffic infractions by type, a record of the
1122 disposition of the citations, and an accounting system for the
1123 fines assessed and the subsequent fine amounts paid to the
1124 clerks of the court. On or before December 1, 2001, the clerks
1125 of the court must provide the information required by this
1126 chapter to be transmitted to the department by electronic
1127 transmission pursuant to the contract.

1128 (b) Any person who fails to comply with the court's
1129 requirements as to civil penalties specified in this section due
1130 to demonstrable financial hardship shall be authorized to
1131 satisfy such civil penalties by public works or community
1132 service. Each hour of such service shall be applied, at the rate
1133 of the minimum wage, toward payment of the person's civil
1134 penalties; provided, however, that if the person has a trade or
1135 profession for which there is a community service need and
1136 application, the rate for each hour of such service shall be the
1137 average standard wage for such trade or profession. Any person
1138 who fails to comply with the court's requirements as to such
1139 civil penalties who does not demonstrate financial hardship may
1140 also, at the discretion of the court, be authorized to satisfy
1141 such civil penalties by public works or community service in the
1142 same manner.

1143 (c) If the noncriminal infraction has caused or resulted
1144 in the death of another, the person who committed the infraction
1145 may perform 120 community service hours under s. 316.027(4), in
1146 addition to any other penalties.

1147 (9) One hundred dollars for a violation of s. 316.1575.

1148 (10) Twenty-five dollars for a violation of s. 316.2074.

1149 (11) (a) In addition to the stated fine, court costs must
 1150 be paid in the following amounts and shall be deposited by the
 1151 clerk into the fine and forfeiture fund established pursuant to
 1152 s. 142.01:

- 1153
- 1154 For pedestrian infractions.....\$ 3.
- 1155 For nonmoving traffic infractions.....\$ 16.
- 1156 For moving traffic infractions.....\$ 30.

1157 (b) In addition to the court cost required under paragraph
 1158 (a), up to \$3 for each infraction shall be collected and
 1159 distributed by the clerk in those counties that have been
 1160 authorized to establish a criminal justice selection center or a
 1161 criminal justice access and assessment center pursuant to the
 1162 following special acts of the Legislature:

- 1163 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1164 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1165 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1166 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1167

1168 Funds collected by the clerk pursuant to this paragraph shall be
 1169 distributed to the centers authorized by those special acts.

1170 (c) In addition to the court cost required under paragraph
 1171 (a), a \$2.50 court cost must be paid for each infraction to be
 1172 distributed by the clerk to the county to help pay for criminal
 1173 justice education and training programs pursuant to s. 938.15.
 1174 Funds from the distribution to the county not directed by the
 1175 county to fund these centers or programs shall be retained by
 1176 the clerk and used for funding the court-related services of the

1177 clerk.

1178 (d) In addition to the court cost required under paragraph
 1179 (a), a \$3 court cost must be paid for each infraction to be
 1180 distributed as provided in s. 938.01 and a \$2 court cost as
 1181 provided in s. 938.15 when assessed by a municipality or county.

1182 (12) Two hundred dollars for a violation of s. 316.520(1)
 1183 or (2). If, at a hearing, the alleged offender is found to have
 1184 committed this offense, the court shall impose a minimum civil
 1185 penalty of \$200. For a second or subsequent adjudication within
 1186 a period of 5 years, the department shall suspend the driver's
 1187 license of the person for not less than 1 year and not more than
 1188 2 years.

1189 (13) In addition to any penalties imposed for noncriminal
 1190 traffic infractions pursuant to this chapter or imposed for
 1191 criminal violations listed in s. 318.17, a board of county
 1192 commissioners or any unit of local government which is
 1193 consolidated as provided by s. 9, Art. VIII of the State
 1194 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1195 Constitution of 1968:

1196 (a) May impose by ordinance a surcharge of up to \$15 for
 1197 any infraction or violation to fund state court facilities. The
 1198 court shall not waive this surcharge. Up to 25 percent of the
 1199 revenue from such surcharge may be used to support local law
 1200 libraries provided that the county or unit of local government
 1201 provides a level of service equal to that provided prior to July
 1202 1, 2004, which shall include the continuation of library
 1203 facilities located in or near the county courthouse or annexes.

1204 (b) That imposed increased fees or service charges by

1205 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
1206 purpose of securing payment of the principal and interest on
1207 bonds issued by the county before July 1, 2003, to finance state
1208 court facilities, may impose by ordinance a surcharge for any
1209 infraction or violation for the exclusive purpose of securing
1210 payment of the principal and interest on bonds issued by the
1211 county before July 1, 2003, to fund state court facilities until
1212 the date of stated maturity. The court shall not waive this
1213 surcharge. Such surcharge may not exceed an amount per violation
1214 calculated as the quotient of the maximum annual payment of the
1215 principal and interest on the bonds as of July 1, 2003, divided
1216 by the number of traffic citations for county fiscal year 2002-
1217 2003 certified as paid by the clerk of the court of the county.
1218 Such quotient shall be rounded up to the next highest dollar
1219 amount. The bonds may be refunded only if savings will be
1220 realized on payments of debt service and the refunding bonds are
1221 scheduled to mature on the same date or before the bonds being
1222 refunded.

1223
1224 A county may not impose both of the surcharges authorized under
1225 paragraphs (a) and (b) concurrently. The clerk of court shall
1226 report, no later than 30 days after the end of the quarter, the
1227 amount of funds collected under this subsection during each
1228 quarter of the fiscal year. The clerk shall submit the report,
1229 in a format developed by the Office of State Courts
1230 Administrator, to the chief judge of the circuit, the Governor,
1231 the President of the Senate, and the Speaker of the House of
1232 Representatives.

1233 (14) In addition to any penalties imposed for noncriminal
 1234 traffic infractions under this chapter or imposed for criminal
 1235 violations listed in s. 318.17, any unit of local government
 1236 that is consolidated as provided by s. 9, Art. VIII of the State
 1237 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1238 State Constitution of 1968, and that is granted the authority in
 1239 the State Constitution to exercise all the powers of a municipal
 1240 corporation, and any unit of local government operating under a
 1241 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
 1242 VIII of the State Constitution of 1885, as preserved by s. 6(e),
 1243 Art. VIII of the State Constitution of 1968, that is granted the
 1244 authority in the State Constitution to exercise all the powers
 1245 conferred now or hereafter by general law upon municipalities,
 1246 may impose by ordinance a surcharge of up to \$15 for any
 1247 infraction or violation. Revenue from the surcharge shall be
 1248 transferred to such unit of local government for the purpose of
 1249 replacing fine revenue deposited into the clerk's fine and
 1250 forfeiture fund under s. 142.01. The court may not waive this
 1251 surcharge. Proceeds from the imposition of the surcharge
 1252 authorized in this subsection shall not be used for the purpose
 1253 of securing payment of the principal and interest on bonds. This
 1254 subsection, and any surcharge imposed pursuant to this
 1255 subsection, shall stand repealed September 30, 2007.

1256 (15) One hundred twenty-five dollars for a violation of s.
 1257 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1258 stop at a traffic signal. Sixty dollars shall be distributed as
 1259 provided in s. 318.21, and the remaining \$65 shall be remitted
 1260 to the Department of Revenue for deposit into the Administrative

1261 Trust Fund of the Department of Health.

1262 (16) One hundred dollars for a violation of s. 316.622(3)
 1263 or (4), for a vehicle that fails to display a sticker
 1264 authorizing it to transport migrant or seasonal farm workers or
 1265 fails to display standardized notification instructions
 1266 requiring passengers to fasten their seat belts. Two hundred
 1267 dollars for a violation of s. 316.622(1) or (2), for operating a
 1268 farm labor vehicle that fails to conform to vehicle safety
 1269 standards or lacks seat belt assemblies at each passenger
 1270 position.

1271 (17) In addition to any penalties imposed, a surcharge of
 1272 \$3 must be paid for all criminal offenses listed in s. 318.17
 1273 and for all noncriminal moving traffic violations under chapter
 1274 316. Revenue from the surcharge shall be remitted to the
 1275 Department of Revenue and deposited quarterly into the State
 1276 Agency Law Enforcement Radio System Trust Fund of the Department
 1277 of Management Services for the state agency law enforcement
 1278 radio system, as described in s. 282.1095. This subsection
 1279 expires July 1, 2012.

1280 Section 18. Subsection (17) is added to section 318.21,
 1281 Florida Statutes, to read:

1282 318.21 Disposition of civil penalties by county
 1283 courts.--All civil penalties received by a county court pursuant
 1284 to the provisions of this chapter shall be distributed and paid
 1285 monthly as follows:

1286 (17) Notwithstanding subsections (1) and (2), the proceeds
 1287 from the surcharge imposed under s. 318.18(17) shall be
 1288 distributed as provided in that subsection. This subsection

1289 expires July 1, 2012.

1290 Section 19. Section 320.061, Florida Statutes, is amended
1291 to read:

1292 320.061 Unlawful to alter motor vehicle registration
1293 certificates, license plates, mobile home stickers, or
1294 validation stickers or to obscure license plates; penalty.--No
1295 person shall alter the original appearance of any registration
1296 license plate, mobile home sticker, validation sticker, or
1297 vehicle registration certificate issued for and assigned to any
1298 motor vehicle or mobile home, whether by mutilation, alteration,
1299 defacement, or change of color or in any other manner. No person
1300 shall apply or attach any substance, reflective matter,
1301 illuminated device, spray, coating, covering, or other material
1302 onto or around any license plate that interferes with the
1303 legibility, angular visibility, or detectability of any feature
1304 or detail on the license plate or interferes with the ability to
1305 photograph or otherwise record any feature or detail on the
1306 license plate. Any person who violates ~~the provisions of this~~
1307 section commits ~~is guilty of~~ a misdemeanor of the second degree,
1308 punishable as provided in s. 775.082 or s. 775.083.

1309 Section 20. Paragraph (c) of subsection (6) and subsection
1310 (8) of section 332.007, Florida Statutes, are amended to read:

1311 332.007 Administration and financing of aviation and
1312 airport programs and projects; state plan.--

1313 (6) Subject to the availability of appropriated funds, the
1314 department may participate in the capital cost of eligible
1315 public airport and aviation development projects in accordance
1316 with the following rates, unless otherwise provided in the

1317 General Appropriations Act or the substantive bill implementing
 1318 the General Appropriations Act:

1319 (c) When federal funds are not available, the department
 1320 may fund up to 80 percent of master planning and eligible
 1321 aviation development projects at publicly owned, publicly
 1322 operated airports. If federal funds are available, the
 1323 department may fund up to 80 percent of the nonfederal share of
 1324 such projects. Such funding is limited to airports that have no
 1325 scheduled commercial service.

1326 (8) Notwithstanding any other provision of law to the
 1327 contrary, the department is authorized to fund security projects
 1328 at ~~provide operational and maintenance assistance to~~ publicly
 1329 owned public-use airports. ~~Such assistance shall be to comply~~
 1330 ~~with enhanced federal security requirements or to address~~
 1331 ~~related economic impacts from the events of September 11, 2001.~~
 1332 For projects in the current adopted work program, or projects
 1333 added using the available budget of the department, airports may
 1334 request the department change the project purpose in accordance
 1335 with this provision notwithstanding the provisions of s.
 1336 339.135(7). For purposes of this subsection, the department may
 1337 fund up to 100 percent of eligible project costs that are not
 1338 funded by the Federal Government. ~~Prior to releasing any funds~~
 1339 ~~under this section, the department shall review and approve the~~
 1340 ~~expenditure plans submitted by the airport. The department shall~~
 1341 ~~inform the Legislature of any change that it approves under this~~
 1342 ~~subsection.~~ This subsection shall expire on June 30, 2012 ~~2007~~.

1343 Section 21. Subsection (4) of section 332.14, Florida
 1344 Statutes, is amended to read:

1345 332.14 Secure Airports for Florida's Economy Council.--
1346 (4) The council shall adopt bylaws governing the manner in
1347 which the business of the council will be conducted. The bylaws
1348 shall specify the procedure by which the chair of the council is
1349 elected. The council shall meet at the call of its chair, at the
1350 request of a majority of its membership, or at such times as may
1351 be prescribed in its bylaws. However, the council must meet at
1352 least twice a year. Except for the members under paragraphs
1353 (2) (d), (e), and (f), all members of the council are voting
1354 members. A majority of voting members of the council constitutes
1355 a quorum for the purpose of transacting the business of the
1356 council. A vote of the majority of the members present is
1357 sufficient for any action of the council, except that a member
1358 representing the Department of Transportation, the Department of
1359 Community Affairs, the Department of Law Enforcement, or the
1360 Office of Tourism, Trade, and Economic Development may ~~vote to~~
1361 overrule any action of the council approving a project pursuant
1362 to paragraph (7) (a). The bylaws of the council may require a
1363 greater vote for a particular action.

1364 Section 22. Paragraph (c) of subsection (1) of section
1365 336.025, Florida Statutes, is amended to read:

1366 336.025 County transportation system; levy of local option
1367 fuel tax on motor fuel and diesel fuel.--

1368 (1)

1369 (c) Local governments may use the services of the Division
1370 of Bond Finance of the State Board of Administration pursuant to
1371 the State Bond Act to issue any bonds through the provisions of
1372 this section and may pledge the revenues from local option fuel

1373 taxes to secure the payment of the bonds. ~~In no case may a~~
 1374 ~~jurisdiction issue bonds pursuant to this section more~~
 1375 ~~frequently than once per year.~~ Counties and municipalities may
 1376 join together for the issuance of bonds issued pursuant to this
 1377 section.

1378 Section 23. Subsection (3) of section 336.41, Florida
 1379 Statutes, is amended to read:

1380 336.41 Counties; employing labor and providing road
 1381 equipment; accounting; when competitive bidding required.--

1382 (3) All construction and reconstruction of roads and
 1383 bridges, including resurfacing, full scale mineral seal coating,
 1384 and major bridge and bridge system repairs, to be performed
 1385 utilizing the proceeds of the 80-percent portion of the surplus
 1386 of the constitutional gas tax shall be let to contract to the
 1387 lowest responsible bidder by competitive bid, except for:

1388 (a) Construction and maintenance in emergency situations,
 1389 and

1390 (b) In addition to emergency work, construction and
 1391 reconstruction, including resurfacing, mineral seal coating, and
 1392 bridge repairs, having a total cumulative annual value not to
 1393 exceed 5 percent of its 80-percent portion of the constitutional
 1394 gas tax or \$400,000 ~~\$250,000~~, whichever is greater, and

1395 (c) Construction of sidewalks, curbing, accessibility
 1396 ramps, or appurtenances incidental to roads and bridges if each
 1397 project is estimated in accordance with generally accepted cost-
 1398 accounting principles to have total construction project costs
 1399 of less than \$400,000 or as adjusted by the percentage change in
 1400 the Construction Cost Index from January 1, 2008,

1401
 1402 for which the county may utilize its own forces. However, if,
 1403 after proper advertising, no bids are received by a county for a
 1404 specific project, the county may use its own forces to construct
 1405 the project, notwithstanding the limitation of this subsection.
 1406 Nothing in this section shall prevent the county from performing
 1407 routine maintenance as authorized by law.

1408 Section 24. Construction aggregate materials.--

1409 (1) DEFINITIONS.--"Construction aggregate materials" means
 1410 crushed stone, limestone, dolomite, limerock, shell rock,
 1411 cemented coquina, sand for use as a component of mortars,
 1412 concrete, bituminous mixtures, or underdrain filters, and other
 1413 mined resources providing the basic material for concrete,
 1414 asphalt, and road base.

1415 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 1416 is a strategic and critical need for an available supply of
 1417 construction aggregate materials within the state and that a
 1418 disruption of the supply would cause a significant detriment to
 1419 the state's construction industry, transportation system, and
 1420 overall health, safety, and welfare.

1421 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government
 1422 shall approve or deny a proposed land use zoning change,
 1423 comprehensive plan amendment, land use permit, ordinance, or
 1424 order regarding construction aggregate materials without
 1425 considering any information provided by the Department of
 1426 Transportation regarding the effect such change, amendment,
 1427 permit decision, ordinance, or order would have on the
 1428 availability, transportation, and potential extraction of

1429 construction aggregate materials on the local area, the region,
 1430 and the state. The failure of the Department of Transportation
 1431 to provide this information shall not be a basis for delay or
 1432 invalidation of the local government action. No local government
 1433 may impose a moratorium, or combination of moratoria, of more
 1434 than 12 months' duration on the mining or extraction of
 1435 construction aggregate materials, commencing on the date the
 1436 vote was taken to impose the moratorium. January 1, 2007, shall
 1437 serve as the commencement of the 12-month period for moratoria
 1438 already in place as of July 1, 2007.

1439 (4) EXPEDITED PERMITTING.--Due to the state's critical
 1440 infrastructure needs and the potential shortfall in available
 1441 construction aggregate materials, limerock environmental
 1442 resource permitting and reclamation applications filed after
 1443 March 1, 2007, are eligible for the expedited permitting
 1444 processes contained in s. 403.973, Florida Statutes. Challenges
 1445 to state agency action in the expedited permitting process for
 1446 establishment of a limerock mine in this state under s. 403.973,
 1447 Florida Statutes, are subject to the same requirements as
 1448 challenges brought under s. 403.973(15)(a), Florida Statutes,
 1449 except that, notwithstanding s. 120.574, Florida Statutes,
 1450 summary proceedings must be conducted within 30 days after a
 1451 party files the motion for summary hearing, regardless of
 1452 whether the parties agree to the summary proceeding.

1453 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1454 (a) The Strategic Aggregates Review Task Force is created
 1455 to evaluate the availability and disposition of construction
 1456 aggregate materials and related mining and land use practices in

1457 this state.

1458 (b) The task force shall be appointed by August 1, 2007,
 1459 and shall be composed of the following 19 members:

1460 1. The President of the Senate, the Speaker of the House
 1461 of Representatives, and the Governor shall each appoint one
 1462 member from each of the following groups:

1463 a. The mining industry.

1464 b. The construction industry.

1465 c. The transportation industries, including seaports,
 1466 trucking, railroads, or roadbuilders.

1467 d. Elected officials representing counties identified by
 1468 the Department of Transportation as limestone or sand resource
 1469 areas. Rural, midsize, and urban counties shall each have one
 1470 elected official on the task force.

1471 e. Environmental advocacy groups.

1472 2. The Secretary of Environmental Protection or designee.

1473 3. The Secretary of Community Affairs or designee.

1474 4. The Secretary of Transportation or designee.

1475 5. One member appointed by the Florida League of Cities,
 1476 Inc.

1477 (c) Members of the commission shall serve without
 1478 compensation. Travel and per diem expenses for members who are
 1479 not state employees shall be paid by the Department of
 1480 Transportation in accordance with s. 112.061, Florida Statutes.

1481 (d) The Department of Transportation shall organize and
 1482 provide administrative support for the task force and coordinate
 1483 with other state agencies and local governments in obtaining and
 1484 providing such data and information as may be needed by the task

1485 force to complete its evaluation. The department may conduct any
1486 supporting studies as are required to obtain needed information
1487 or otherwise assist the task force in its review and
1488 deliberations.

1489 (e) The Department of Transportation shall collect and
1490 provide information to the task force relating to construction
1491 aggregate materials and the amount of such materials used by the
1492 department on state road infrastructure projects and shall
1493 provide any technical and supporting information relating to the
1494 use of such materials as is available to the department.

1495 (f) The task force shall report its findings to the
1496 Governor, the President of the Senate, and the Speaker of the
1497 House of Representatives by February 1, 2008. The report must
1498 identify locations with significant concentrations of
1499 construction aggregate materials and recommend actions intended
1500 to ensure the continued extraction and availability of
1501 construction aggregate materials.

1502 (g) The task force shall be dissolved on July 1, 2008.

1503 Section 25. Section 337.026, Florida Statutes, is created
1504 to read:

1505 337.026 Authority of department to enter into agreements
1506 for construction aggregate materials.--

1507 (1) The department may pursue innovative contractual or
1508 engineering techniques that will provide the department with
1509 reliable and economic supplies of construction aggregate
1510 materials and control time and cost increases on construction
1511 projects.

1512 (2) The department may enter into agreements with private

1513 or public entities. Such agreements may include, but are not
 1514 limited to, department acquisition of materials or resources or
 1515 long-term leases for a term not to exceed 99 years that will
 1516 advance the state's transportation needs.

1517 (3) To the maximum extent practical, the department must
 1518 use the existing process to award and administer such innovative
 1519 contractual or engineering techniques. When specific contractual
 1520 or engineering techniques are to be used, the department is not
 1521 required to adhere to provisions of law that would prevent,
 1522 preclude, or prohibit it from using the contractual or
 1523 engineering technique. However, prior to using an innovative
 1524 contractual or engineering technique that is inconsistent with
 1525 another provision of law, the department must document in
 1526 writing the need for the exception and identify the benefits the
 1527 traveling public and the affected community are anticipated to
 1528 receive.

1529 Section 26. Paragraph (a) of subsection (3) of section
 1530 337.11, Florida Statutes, is amended to read:

1531 337.11 Contracting authority of department; bids;
 1532 emergency repairs, supplemental agreements, and change orders;
 1533 combined design and construction contracts; progress payments;
 1534 records; requirements of vehicle registration.--

1535 (3) (a) On all construction contracts of \$250,000 or less,
 1536 and any construction contract of less than \$500,000 for which
 1537 the department has waived prequalification under s. 337.14, the
 1538 department shall advertise for bids in a newspaper having
 1539 general circulation in the county where the proposed work is
 1540 located. Publication shall be at least once a week for no less

1541 than 2 consecutive weeks, and the first publication shall be no
 1542 less than 14 days prior to the date on which bids are to be
 1543 received.

1544 Section 27. Subsection (1) of section 337.14, Florida
 1545 Statutes, is amended to read:

1546 337.14 Application for qualification; certificate of
 1547 qualification; restrictions; request for hearing.--

1548 (1) Any person desiring to bid for the performance of any
 1549 construction contract in excess of \$250,000 which the department
 1550 proposes to let must first be certified by the department as
 1551 qualified pursuant to this section and rules of the department.
 1552 The rules of the department shall address the qualification of
 1553 persons to bid on construction contracts in excess of \$250,000
 1554 and shall include requirements with respect to the equipment,
 1555 past record, experience, financial resources, and organizational
 1556 personnel of the applicant necessary to perform the specific
 1557 class of work for which the person seeks certification. The
 1558 department is authorized to limit the dollar amount of any
 1559 contract upon which a person is qualified to bid or the
 1560 aggregate total dollar volume of contracts such person is
 1561 allowed to have under contract at any one time. Each applicant
 1562 seeking qualification to bid on construction contracts in excess
 1563 of \$250,000 shall furnish the department a statement under oath,
 1564 on such forms as the department may prescribe, setting forth
 1565 detailed information as required on the application. Each
 1566 application for certification shall be accompanied by the latest
 1567 annual financial statement of the applicant completed within the
 1568 last 12 months. If the annual financial statement shows the

1569 financial condition of the applicant more than 4 months prior to
 1570 the date on which the application is received by the department,
 1571 then an interim financial statement must also be submitted. The
 1572 interim financial statement must cover the period from the end
 1573 date of the annual statement and must show the financial
 1574 condition of the applicant no more than 4 months prior to the
 1575 date on which the application is received by the department.
 1576 Each required annual or interim financial statement must be
 1577 audited and accompanied by the opinion of a certified public
 1578 accountant or a public accountant approved by the department.
 1579 The information required by this subsection is confidential and
 1580 exempt from the provisions of s. 119.07(1). The department
 1581 shall act upon the application for qualification within 30 days
 1582 after the department determines that the application is
 1583 complete. The department may waive the requirements of this
 1584 subsection for projects having a contract price of \$500,000 or
 1585 less if the department determines that the project is of a
 1586 noncritical nature and the waiver will not endanger public
 1587 health, safety, or property.

1588 Section 28. Paragraph (a) of subsection (1) of section
 1589 337.18, Florida Statutes, is amended to read:

1590 337.18 Surety bonds for construction or maintenance
 1591 contracts; requirement with respect to contract award; bond
 1592 requirements; defaults; damage assessments.--

1593 (1) (a) A surety bond shall be required of the successful
 1594 bidder in an amount equal to the awarded contract price.
 1595 However, the department may choose, in its discretion and
 1596 applicable only to multiyear maintenance contracts, to allow for

1597 incremental annual contract bonds that cumulatively total the
 1598 full, awarded, multiyear contract price. For a project for which
 1599 the contract price is \$250,000 ~~\$150,000~~ or less, the department
 1600 may waive the requirement for all or a portion of a surety bond
 1601 if it determines the project is of a noncritical nature and
 1602 nonperformance will not endanger public health, safety, or
 1603 property. If the secretary or his designee determines that it is
 1604 in the best interests of the department to reduce the bonding
 1605 requirement for a project and that to do so will not endanger
 1606 public health, safety, or property, the department may waive the
 1607 requirement of a surety bond in an amount equal to the awarded
 1608 contract price for a project having a contract price of \$250
 1609 million or more and, in its place, may set a surety bond amount
 1610 that is a portion of the total contract price and provide an
 1611 alternate means of security for the balance of the contract
 1612 amount that is not covered by the surety bond or provide for
 1613 incremental surety bonding and provide an alternate means of
 1614 security for the balance of the contract amount that is not
 1615 covered by the surety bond. Such alternative means of security
 1616 may include letters of credit, United States bonds and notes,
 1617 parent company guarantees, and cash collateral. The department
 1618 may require alternate means of security if a surety bond is
 1619 waived. The surety on such bond shall be a surety company
 1620 authorized to do business in the state. All bonds shall be
 1621 payable to the department and conditioned for the prompt,
 1622 faithful, and efficient performance of the contract according to
 1623 plans and specifications and within the time period specified,
 1624 and for the prompt payment of all persons defined in s. 713.01

1625 furnishing labor, material, equipment, and supplies for work
 1626 provided in the contract; however, whenever an improvement,
 1627 demolition, or removal contract price is \$25,000 or less, the
 1628 security may, in the discretion of the bidder, be in the form of
 1629 a cashier's check, bank money order of any state or national
 1630 bank, certified check, or postal money order. The department
 1631 shall adopt rules to implement this subsection. Such rules shall
 1632 include provisions under which the department shall refuse to
 1633 accept bonds on contracts when a surety wrongfully fails or
 1634 refuses to settle or provide a defense for claims or actions
 1635 arising under a contract for which the surety previously
 1636 furnished a bond.

1637 Section 29. Subsection (3) is added to section 338.161,
 1638 Florida Statutes, to read:

1639 338.161 Authority of department or toll agencies to
 1640 advertise and promote electronic toll collection; expanded uses
 1641 of electronic toll collection system; studies authorized.--

1642 (3) (a) The department or any toll agency created by
 1643 statute may incur expenses to advertise or promote its
 1644 electronic toll collection system to consumers on or off the
 1645 turnpike or toll system.

1646 (b) If the department or any toll agency created by
 1647 statute finds that it can increase nontoll revenues or add
 1648 convenience or other value for its customers, the department or
 1649 toll agency may enter into agreements with any private or public
 1650 entity allowing the use of its electronic toll collection system
 1651 to pay parking fees for vehicles equipped with a transponder or
 1652 similar device. The department or toll agency may initiate

1653 feasibility studies of additional future uses of its electronic
1654 toll collection system and make recommendations to the
1655 Legislature to authorize such uses.

1656 Section 30. Subsections (1), (3), and (4) of section
1657 338.2275, Florida Statutes, are amended to read:

1658 338.2275 Approved turnpike projects.--

1659 (1) Legislative approval of the department's tentative
1660 work program that contains the turnpike project constitutes
1661 approval to issue bonds as required by s. 11(f), Art. VII of the
1662 State Constitution. No more than \$10 billion of bonds may be
1663 outstanding to fund approved turnpike projects. ~~Turnpike~~
1664 ~~projects approved to be included in future tentative work~~
1665 ~~programs include, but are not limited to, projects contained in~~
1666 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
1667 ~~of bonds may be issued to fund approved turnpike projects.~~

1668 ~~(3) Subject to verification of economic feasibility by the~~
1669 ~~department in accordance with s. 338.221(8), the department~~
1670 ~~shall acquire the assets and assume the liabilities of the~~
1671 ~~Sawgrass Expressway as a candidate project from the Broward~~
1672 ~~County Expressway Authority. The agreement to acquire the~~
1673 ~~Sawgrass Expressway shall be subject to the terms and covenants~~
1674 ~~of the Broward County Expressway Authority Bond Series 1984 and~~
1675 ~~1986A lease purchase agreements and shall not act to the~~
1676 ~~detriment of the bondholders nor decrease the quality of the~~
1677 ~~bonds. The department shall provide for the cost of operations~~
1678 ~~and maintenance expenses and for the replacement of future~~
1679 ~~Broward County gasoline tax funds pledged for the payment of~~
1680 ~~principal and interest on such bonds. The department shall~~

1681 ~~repay, to the extent possible, Broward County gasoline tax funds~~
 1682 ~~used since July 6, 1988, for debt service on such bonds. For the~~
 1683 ~~purpose of calculating the economic feasibility of this project,~~
 1684 ~~the department is authorized to exclude operations and~~
 1685 ~~maintenance expenses accumulated between July 6, 1988, and the~~
 1686 ~~date of the agreement. Upon performance of all terms of the~~
 1687 ~~agreement between the parties, the Sawgrass Expressway will~~
 1688 ~~become a part of the turnpike system.~~

1689 (3)~~(4)~~ Bonds may not be issued to fund a turnpike project
 1690 until the department has made a final determination that the
 1691 project is economically feasible in accordance with s. 338.221,
 1692 based on the most current information available.

1693 Section 31. Subsections (3), (4), and (6) of section
 1694 338.231, Florida Statutes, are amended to read:

1695 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1696 revenues.--The department shall at all times fix, adjust,
 1697 charge, and collect such tolls for the use of the turnpike
 1698 system as are required in order to provide a fund sufficient
 1699 with other revenues of the turnpike system to pay the cost of
 1700 maintaining, improving, repairing, and operating such turnpike
 1701 system; to pay the principal of and interest on all bonds issued
 1702 to finance or refinance any portion of the turnpike system as
 1703 the same become due and payable; and to create reserves for all
 1704 such purposes.

1705 (3)(a) The department shall publish a proposed change in
 1706 the toll rate for the use of an existing toll facility, in the
 1707 manner provided for in s. 120.54, which will provide for public
 1708 notice and the opportunity for a public hearing before the

1709 adoption of the proposed rate change. When the department is
1710 evaluating a proposed turnpike toll project under s. 338.223 and
1711 has determined that there is a high probability that the project
1712 will pass the test of economic feasibility predicated on
1713 proposed toll rates, the toll rate that is proposed to be
1714 charged after the project is constructed must be adopted during
1715 the planning and project development phase of the project, in
1716 the manner provided for in s. 120.54, including public notice
1717 and the opportunity for a public hearing. For such a new
1718 project, the toll rate becomes effective upon the opening of the
1719 project to traffic.

1720 (b) The department may also fix, adjust, charge, and
1721 collect transaction fees and collection fees related to tolls
1722 not paid at the time the toll is incurred. The department shall
1723 publish its proposed fees in the manner provided for in s.
1724 120.54, which will provide for public notice and the opportunity
1725 for a public hearing before the adoption of the proposed fees.
1726 Any fee so established shall be added to the unpaid toll amount
1727 due and payable to the department.

1728 (4) For the period July 1, 1998, through June 30, 2017
1729 ~~2007~~, the department shall, to the maximum extent feasible,
1730 program sufficient funds in the tentative work program such that
1731 the percentage of turnpike toll and bond financed commitments in
1732 Dade County, Broward County, and Palm Beach County as compared
1733 to total turnpike toll and bond financed commitments shall be at
1734 least 90 percent of the share of net toll collections
1735 attributable to users of the turnpike system in Dade County,
1736 Broward County, and Palm Beach County as compared to total net

1737 toll collections attributable to users of the turnpike system.
 1738 The requirements of this subsection do not apply when the
 1739 application of such requirements would violate any covenant
 1740 established in a resolution or trust indenture relating to the
 1741 issuance of turnpike bonds.

1742 (6) In each fiscal year while any of the bonds of the
 1743 Broward County Expressway Authority series 1984 and series 1986-
 1744 A remain outstanding, the department is authorized to pledge
 1745 revenues from the turnpike system to the payment of principal
 1746 and interest of such series of bonds, ~~the repayment of Broward~~
 1747 ~~County gasoline tax funds as provided in s. 338.2275(3),~~ and the
 1748 operation and maintenance expenses of the Sawgrass Expressway,
 1749 to the extent gross toll revenues of the Sawgrass Expressway are
 1750 insufficient to make such payments. The terms of an agreement
 1751 relative to the pledge of turnpike system revenue will be
 1752 negotiated with the parties of the 1984 and 1986 Broward County
 1753 Expressway Authority lease-purchase agreements, and subject to
 1754 the covenants of those agreements. The agreement shall establish
 1755 that the Sawgrass Expressway shall be subject to the planning,
 1756 management, and operating control of the department limited only
 1757 by the terms of the lease-purchase agreements. The department
 1758 shall provide for the payment of operation and maintenance
 1759 expenses of the Sawgrass Expressway until such agreement is in
 1760 effect. This pledge of turnpike system revenues shall be
 1761 subordinate to the debt service requirements of any future issue
 1762 of turnpike bonds, the payment of turnpike system operation and
 1763 maintenance expenses, and subject to provisions of any
 1764 subsequent resolution or trust indenture relating to the

1765 issuance of such turnpike bonds.

1766 Section 32. Paragraphs (c) and (d) of subsection (7) of
 1767 section 339.135, Florida Statutes, are amended to read:

1768 339.135 Work program; legislative budget request;
 1769 definitions; preparation, adoption, execution, and amendment.--

1770 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1771 (c) The department may amend the adopted work program to
 1772 transfer fixed capital outlay appropriations for projects within
 1773 the same appropriations category or between appropriations
 1774 categories, including the following amendments which shall be
 1775 subject to the procedures in paragraph (d):

1776 1. Any amendment that ~~which~~ deletes any project or project
 1777 phase;

1778 2. Any amendment that ~~which~~ adds a project estimated to
 1779 cost over \$150,000 in funds appropriated by the Legislature;

1780 3. Any amendment that ~~which~~ advances or defers to another
 1781 fiscal year, a right-of-way phase, a construction phase, or a
 1782 public transportation project phase estimated to cost over
 1783 \$500,000 in funds appropriated by the Legislature, except an
 1784 amendment advancing or deferring a phase for a period of 90 days
 1785 or less; or

1786 4. Any amendment that ~~which~~ advances or defers to another
 1787 fiscal year, any preliminary engineering phase or design phase
 1788 estimated to cost over \$150,000 in funds appropriated by the
 1789 Legislature, except an amendment advancing or deferring a phase
 1790 for a period of 90 days or less.

1791 (d)1. Whenever the department proposes any amendment to
 1792 the adopted work program, which amendment is defined in

1793 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1794 subparagraph (c)4., it shall submit the proposed amendment to
1795 the Governor for approval and shall immediately notify the
1796 chairs of the legislative appropriations committees, the chairs
1797 of the legislative transportation committees, each member of the
1798 Legislature who represents a district affected by the proposed
1799 amendment, each metropolitan planning organization affected by
1800 the proposed amendment, and each unit of local government
1801 affected by the proposed amendment. Such proposed amendment
1802 shall provide a complete justification of the need for the
1803 proposed amendment.

1804 2.a. Whenever the department proposes any amendment to the
1805 adopted work program, which amendment is defined in subparagraph
1806 (c)1., subparagraph (c)2., subparagraph (c)3., or subparagraph
1807 (c)4., to a project or project phase scheduled within the first
1808 3 years of the work program which would have the effect of
1809 deleting or delaying programmed improvements in traffic-carrying
1810 capacity, as typically measured by a local government's
1811 concurrency management system, it shall notify each local
1812 government and each metropolitan planning organization affected
1813 by the amendment. The notification must be sent by either
1814 certified mail or return receipt requested electronic mail to
1815 the chief elected official of each local government and
1816 metropolitan planning organization. Each affected local
1817 government shall have 14 days to provide written comments to the
1818 department regarding how the amendment will impact its
1819 respective concurrency management system, including whether any
1820 development permits were issued contingent upon the capacity

1821 improvement, if applicable, of the subject amendment.
 1822 b. After the department's receipt of written comments from
 1823 the affected local governments, the department shall submit the
 1824 proposed amendment to the Governor for approval and shall
 1825 immediately notify the chairs of the legislative appropriations
 1826 committees, the chairs of the legislative transportation
 1827 committees, each member of the Legislature who represents a
 1828 district affected by the proposed amendment, each metropolitan
 1829 planning organization affected by the proposed amendment, and
 1830 each unit of local government affected by the proposed
 1831 amendment. Such proposed amendment shall provide a complete
 1832 justification of the need for the proposed amendment and include
 1833 any written comments submitted by the affected local
 1834 governments.

1835 ~~3.2.~~ The Governor shall not approve a proposed amendment
 1836 until 14 days following the notification required in
 1837 subparagraph 1.

1838 ~~4.3.~~ If either of the chairs of the legislative
 1839 appropriations committees or the President of the Senate or the
 1840 Speaker of the House of Representatives objects in writing to a
 1841 proposed amendment within 14 days following notification and
 1842 specifies the reasons for such objection, the Governor shall
 1843 disapprove the proposed amendment.

1844 Section 33. Section 339.175, Florida Statutes, is amended
 1845 to read:

1846 339.175 Metropolitan planning organization.--

1847 (1) PURPOSE.--It is the intent of the Legislature to
 1848 encourage and promote the safe and efficient management,

1849 operation, and development of surface transportation systems
1850 that will serve the mobility needs of people and freight and
1851 foster economic growth and development within and through
1852 urbanized areas of this state while minimizing transportation-
1853 related fuel consumption and air pollution through metropolitan
1854 transportation planning processes identified in this section. To
1855 accomplish these objectives, metropolitan planning
1856 organizations, referred to in this section as M.P.O.'s, shall
1857 develop, in cooperation with the state and public transit
1858 operators, transportation plans and programs for metropolitan
1859 areas. The plans and programs for each metropolitan area must
1860 provide for the development and integrated management and
1861 operation of transportation systems and facilities, including
1862 pedestrian walkways and bicycle transportation facilities that
1863 will function as an intermodal transportation system for the
1864 metropolitan area, based upon the prevailing principles provided
1865 in s. 334.046(1). The process for developing such plans and
1866 programs shall provide for consideration of all modes of
1867 transportation and shall be continuing, cooperative, and
1868 comprehensive, to the degree appropriate, based on the
1869 complexity of the transportation problems to be addressed. To
1870 ensure that the process is integrated with the statewide
1871 planning process, M.P.O.'s shall develop plans and programs that
1872 identify transportation facilities that should function as an
1873 integrated metropolitan transportation system, giving emphasis
1874 to facilities that serve important national, state, and regional
1875 transportation functions. For the purposes of this section,
1876 those facilities include the facilities on the Strategic

1877 Intermodal System designated under s. 339.63 and facilities for
 1878 which projects have been identified pursuant to s. 339.2819(4).

1879 ~~(2)(1)~~ DESIGNATION.--

1880 (a)1. An M.P.O. shall be designated for each urbanized
 1881 area of the state; however, this does not require that an
 1882 individual M.P.O. be designated for each such area. Such
 1883 designation shall be accomplished by agreement between the
 1884 Governor and units of general-purpose local government
 1885 representing at least 75 percent of the population of the
 1886 urbanized area; however, the unit of general-purpose local
 1887 government that represents the central city or cities within the
 1888 M.P.O. jurisdiction, as defined by the United States Bureau of
 1889 the Census, must be a party to such agreement.

1890 2. More than one M.P.O. may be designated within an
 1891 existing metropolitan planning area only if the Governor and the
 1892 existing M.P.O. determine that the size and complexity of the
 1893 existing metropolitan planning area makes the designation of
 1894 more than one M.P.O. for the area appropriate.

1895 (b) Each M.P.O. designated in a manner prescribed by Title
 1896 23 U.S.C. shall be created and operated under the provisions of
 1897 this section pursuant to an interlocal agreement entered into
 1898 pursuant to s. 163.01. The signatories to the interlocal
 1899 agreement shall be the department and the governmental entities
 1900 designated by the Governor for membership on the M.P.O. Each
 1901 M.P.O. shall be considered separate from the state or the
 1902 governing body of a local government that is represented on the
 1903 governing board of the M.P.O. or that is a signatory to the
 1904 interlocal agreement creating the M.P.O. and shall have such

1905 powers and privileges as are provided under s. 163.01. If there
 1906 is a conflict between this section and s. 163.01, this section
 1907 prevails.

1908 (c) The jurisdictional boundaries of an M.P.O. shall be
 1909 determined by agreement between the Governor and the applicable
 1910 M.P.O. The boundaries must include at least the metropolitan
 1911 planning area, which is the existing urbanized area and the
 1912 contiguous area expected to become urbanized within a 20-year
 1913 forecast period, and may encompass the entire metropolitan
 1914 statistical area or the consolidated metropolitan statistical
 1915 area.

1916 (d) In the case of an urbanized area designated as a
 1917 nonattainment area for ozone or carbon monoxide under the Clean
 1918 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 1919 metropolitan planning area in existence as of the date of
 1920 enactment of this paragraph shall be retained, except that the
 1921 boundaries may be adjusted by agreement of the Governor and
 1922 affected metropolitan planning organizations in the manner
 1923 described in this section. If more than one M.P.O. has authority
 1924 within a metropolitan area or an area that is designated as a
 1925 nonattainment area, each M.P.O. shall consult with other
 1926 M.P.O.'s designated for such area and with the state in the
 1927 coordination of plans and programs required by this section.

1928 (e) The governing body of the M.P.O. shall designate, at a
 1929 minimum, a chair, vice chair, and agency clerk. The chair and
 1930 vice chair shall be selected from among the member delegates
 1931 comprising the governing board. The agency clerk shall be
 1932 charged with the responsibility of preparing meeting minutes and

1933 maintaining agency records. The clerk shall be a member of the
 1934 M.P.O. governing board, an employee of the M.P.O., or other
 1935 natural person.

1936
 1937 Each M.P.O. required under this section must be fully operative
 1938 no later than 6 months following its designation.

1939 (3)~~(2)~~ VOTING MEMBERSHIP.--

1940 (a) The voting membership of an M.P.O. shall consist of
 1941 not fewer than 5 or more than 19 apportioned members, the exact
 1942 number to be determined on an equitable geographic-population
 1943 ratio basis by the Governor, based on an agreement among the
 1944 affected units of general-purpose local government as required
 1945 by federal rules and regulations. The Governor, in accordance
 1946 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 1947 represent municipalities to alternate with representatives from
 1948 other municipalities within the metropolitan planning area that
 1949 do not have members on the M.P.O. County commission members
 1950 shall compose not less than one-third of the M.P.O. membership,
 1951 except for an M.P.O. with more than 15 members located in a
 1952 county with a 5-member ~~five-member~~ county commission or an
 1953 M.P.O. with 19 members located in a county with no more than 6
 1954 county commissioners, in which case county commission members
 1955 may compose less than one-third percent of the M.P.O.
 1956 membership, but all county commissioners must be members. All
 1957 voting members shall be elected officials of general-purpose
 1958 local governments, except that an M.P.O. may include, as part of
 1959 its apportioned voting members, a member of a statutorily
 1960 authorized planning board, an official of an agency that

1961 operates or administers a major mode of transportation, or an
 1962 official of the Florida Space Authority. As used in this
 1963 section, the term "elected officials of a general-purpose local
 1964 government" shall exclude constitutional officers, including
 1965 sheriffs, tax collectors, supervisors of elections, property
 1966 appraisers, clerks of the court, and similar types of officials.
 1967 County commissioners ~~The county commission~~ shall compose not
 1968 less than 20 percent of the M.P.O. membership if an official of
 1969 an agency that operates or administers a major mode of
 1970 transportation has been appointed to an M.P.O.

1971 (b) In metropolitan areas in which authorities or other
 1972 agencies have been or may be created by law to perform
 1973 transportation functions and are performing transportation
 1974 functions that are not under the jurisdiction of a general-
 1975 purpose ~~general-purpose~~ local government represented on the
 1976 M.P.O., they shall be provided voting membership on the M.P.O.
 1977 In all other M.P.O.'s where transportation authorities or
 1978 agencies are to be represented by elected officials from
 1979 general-purpose ~~general-purpose~~ local governments, the M.P.O.
 1980 shall establish a process by which the collective interests of
 1981 such authorities or other agencies are expressed and conveyed.

1982 (c) Any other provision of this section to the contrary
 1983 notwithstanding, a chartered county with over 1 million
 1984 population may elect to reapportion the membership of an M.P.O.
 1985 whose jurisdiction is wholly within the county. The charter
 1986 county may exercise the provisions of this paragraph if:

- 1987 1. The M.P.O. approves the reapportionment plan by a
- 1988 three-fourths vote of its membership;

1989 2. The M.P.O. and the charter county determine that the
 1990 reapportionment plan is needed to fulfill specific goals and
 1991 policies applicable to that metropolitan planning area; and

1992 3. The charter county determines the reapportionment plan
 1993 otherwise complies with all federal requirements pertaining to
 1994 M.P.O. membership.

1995
 1996 Any charter county that elects to exercise the provisions of
 1997 this paragraph shall notify the Governor in writing.

1998 (d) Any other provision of this section to the contrary
 1999 notwithstanding, any county chartered under s. 6(e), Art. VIII
 2000 of the State Constitution may elect to have its county
 2001 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 2002 wholly contained within the county. Any charter county that
 2003 elects to exercise the provisions of this paragraph shall so
 2004 notify the Governor in writing. Upon receipt of such
 2005 notification, the Governor must designate the county commission
 2006 as the M.P.O. The Governor must appoint four additional voting
 2007 members to the M.P.O., one of whom must be an elected official
 2008 representing a municipality within the county, one of whom must
 2009 be an expressway authority member, one of whom must be a person
 2010 who does not hold elected public office and who resides in the
 2011 unincorporated portion of the county, and one of whom must be a
 2012 school board member.

2013 (4)~~(3)~~ APPORTIONMENT.--

2014 (a) The Governor shall, with the agreement of the affected
 2015 units of general-purpose local government as required by federal
 2016 rules and regulations, apportion the membership on the

2017 applicable M.P.O. among the various governmental entities within
 2018 the area. At the request of a majority of the affected units of
 2019 general-purpose local government comprising an M.P.O., the
 2020 Governor and a majority of units of general-purpose local
 2021 government serving on an M.P.O. shall cooperatively agree upon
 2022 and prescribe who may serve as an alternate member and shall
 2023 ~~prescribe~~ a method for appointing alternate members who may vote
 2024 at any M.P.O. meeting that an alternate member attends in place
 2025 of a regular member. The method shall be set forth as a part of
 2026 the interlocal agreement describing the M.P.O.'s membership or
 2027 in the M.P.O.'s operating procedures and bylaws. An appointed
 2028 ~~alternate member must be an elected official serving the same~~
 2029 ~~governmental entity or a general-purpose local government with~~
 2030 ~~jurisdiction within all or part of the area that the regular~~
 2031 ~~member serves.~~ The governmental entity so designated shall
 2032 appoint the appropriate number of members to the M.P.O. from
 2033 eligible officials. Representatives of the department shall
 2034 serve as nonvoting members of the M.P.O. governing board.
 2035 Nonvoting advisers may be appointed by the M.P.O. as deemed
 2036 necessary; however, to the maximum extent feasible, each M.P.O.
 2037 shall seek to appoint nonvoting representatives of various
 2038 multimodal forms of transportation not otherwise represented by
 2039 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
 2040 advisers representing major military installations located
 2041 within the jurisdictional boundaries of the M.P.O. upon the
 2042 request of the aforesaid major military installations and
 2043 subject to the agreement of the M.P.O. All nonvoting advisers
 2044 may attend and participate fully in governing board meetings but

2045 shall not have a vote and shall not be members of the governing
 2046 board. The Governor shall review the composition of the M.P.O.
 2047 membership in conjunction with the decennial census as prepared
 2048 by the United States Department of Commerce, Bureau of the
 2049 Census, and reapportion it as necessary to comply with
 2050 subsection (3) ~~(2)~~.

2051 (b) Except for members who represent municipalities on the
 2052 basis of alternating with representatives from other
 2053 municipalities that do not have members on the M.P.O. as
 2054 provided in paragraph (3) (a) ~~(2)(a)~~, the members of an M.P.O.
 2055 shall serve 4-year terms. Members who represent municipalities
 2056 on the basis of alternating with representatives from other
 2057 municipalities that do not have members on the M.P.O. as
 2058 provided in paragraph (3) (a) ~~(2)(a)~~ may serve terms of up to 4
 2059 years as further provided in the interlocal agreement described
 2060 in paragraph (2) (b) ~~(1)(b)~~. The membership of a member who is a
 2061 public official automatically terminates upon the member's
 2062 leaving his or her elective or appointive office for any reason,
 2063 or may be terminated by a majority vote of the total membership
 2064 of the entity's governing board ~~a county or city governing~~
 2065 ~~entity~~ represented by the member. A vacancy shall be filled by
 2066 the original appointing entity. A member may be reappointed for
 2067 one or more additional 4-year terms.

2068 (c) If a governmental entity fails to fill an assigned
 2069 appointment to an M.P.O. within 60 days after notification by
 2070 the Governor of its duty to appoint, that appointment shall be
 2071 made by the Governor from the eligible representatives of that
 2072 governmental entity.

2073 (5)~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and
 2074 responsibility of an M.P.O. is to manage a continuing,
 2075 cooperative, and comprehensive transportation planning process
 2076 that, based upon the prevailing principles provided in s.
 2077 334.046(1), results in the development of plans and programs
 2078 which are consistent, to the maximum extent feasible, with the
 2079 approved local government comprehensive plans of the units of
 2080 local government the boundaries of which are within the
 2081 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 2082 cooperative decisionmaking by officials of the affected
 2083 governmental entities in the development of the plans and
 2084 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and
 2085 (9).

2086 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 2087 privileges, and authority of an M.P.O. are those specified in
 2088 this section or incorporated in an interlocal agreement
 2089 authorized under s. 163.01. Each M.P.O. shall perform all acts
 2090 required by federal or state laws or rules, now and subsequently
 2091 applicable, which are necessary to qualify for federal aid. It
 2092 is the intent of this section that each M.P.O. shall be involved
 2093 in the planning and programming of transportation facilities,
 2094 including, but not limited to, airports, intercity and high-
 2095 speed rail lines, seaports, and intermodal facilities, to the
 2096 extent permitted by state or federal law.

2097 (a) Each M.P.O. shall, in cooperation with the department,
 2098 develop:

2099 1. A long-range transportation plan pursuant to the
 2100 requirements of subsection (7) ~~(6)~~;

2101 2. An annually updated transportation improvement program
2102 pursuant to the requirements of subsection (8) ~~(7)~~; and

2103 3. An annual unified planning work program pursuant to the
2104 requirements of subsection (9) ~~(8)~~.

2105 (b) In developing the long-range transportation plan and
2106 the transportation improvement program required under paragraph
2107 (a), each M.P.O. shall provide for consideration of projects and
2108 strategies that will:

2109 1. Support the economic vitality of the metropolitan area,
2110 especially by enabling global competitiveness, productivity, and
2111 efficiency;

2112 2. Increase the safety and security of the transportation
2113 system for motorized and nonmotorized users;

2114 3. Increase the accessibility and mobility options
2115 available to people and for freight;

2116 4. Protect and enhance the environment, promote energy
2117 conservation, and improve quality of life;

2118 5. Enhance the integration and connectivity of the
2119 transportation system, across and between modes, for people and
2120 freight;

2121 6. Promote efficient system management and operation; and

2122 7. Emphasize the preservation of the existing
2123 transportation system.

2124 (c) In order to provide recommendations to the department
2125 and local governmental entities regarding transportation plans
2126 and programs, each M.P.O. shall:

2127 1. Prepare a congestion management system for the
2128 metropolitan area and cooperate with the department in the

2129 development of all other transportation management systems
 2130 required by state or federal law;

2131 2. Assist the department in mapping transportation
 2132 planning boundaries required by state or federal law;

2133 3. Assist the department in performing its duties relating
 2134 to access management, functional classification of roads, and
 2135 data collection;

2136 4. Execute all agreements or certifications necessary to
 2137 comply with applicable state or federal law;

2138 5. Represent all the jurisdictional areas within the
 2139 metropolitan area in the formulation of transportation plans and
 2140 programs required by this section; and

2141 6. Perform all other duties required by state or federal
 2142 law.

2143 (d) Each M.P.O. shall appoint a technical advisory
 2144 committee, the members of which shall serve at the pleasure of
 2145 the M.P.O. The membership of the technical advisory committee
 2146 must include, whenever possible, ~~that includes~~ planners;
 2147 engineers; representatives of local aviation authorities, port
 2148 authorities, and public transit authorities or representatives
 2149 of aviation departments, seaport departments, and public transit
 2150 departments of municipal or county governments, as applicable;
 2151 the school superintendent of each county within the jurisdiction
 2152 of the M.P.O. or the superintendent's designee; and other
 2153 appropriate representatives of affected local governments. In
 2154 addition to any other duties assigned to it by the M.P.O. or by
 2155 state or federal law, the technical advisory committee is
 2156 responsible for considering safe access to schools in its review

2157 of transportation project priorities, long-range transportation
2158 plans, and transportation improvement programs, and shall advise
2159 the M.P.O. on such matters. In addition, the technical advisory
2160 committee shall coordinate its actions with local school boards
2161 and other local programs and organizations within the
2162 metropolitan area which participate in school safety activities,
2163 such as locally established community traffic safety teams.
2164 Local school boards must provide the appropriate M.P.O. with
2165 information concerning future school sites and in the
2166 coordination of transportation service.

2167 (e)1. Each M.P.O. shall appoint a citizens' advisory
2168 committee, the members of which serve at the pleasure of the
2169 M.P.O. The membership on the citizens' advisory committee must
2170 reflect a broad cross section of local residents with an
2171 interest in the development of an efficient, safe, and cost-
2172 effective transportation system. Minorities, the elderly, and
2173 the handicapped must be adequately represented.

2174 2. Notwithstanding the provisions of subparagraph 1., an
2175 M.P.O. may, with the approval of the department and the
2176 applicable federal governmental agency, adopt an alternative
2177 program or mechanism to ensure citizen involvement in the
2178 transportation planning process.

2179 (f) The department shall allocate to each M.P.O., for the
2180 purpose of accomplishing its transportation planning and
2181 programming duties, an appropriate amount of federal
2182 transportation planning funds.

2183 (g) Each M.P.O. shall have an executive or staff director
2184 who reports directly to the M.P.O. governing board for all

2185 matters regarding the administration and operation of the M.P.O.
 2186 and any additional personnel as deemed necessary. The executive
 2187 director and any additional personnel may be employed either by
 2188 an M.P.O. or by another governmental entity, such as a county,
 2189 city, or regional planning council, that has a staff services
 2190 agreement signed and in effect with the M.P.O. Each M.P.O. may
 2191 ~~employ personnel or may~~ enter into contracts with local or state
 2192 agencies, private planning firms, ~~or~~ private engineering firms,
 2193 or other public or private entities to accomplish its
 2194 transportation planning and programming duties and
 2195 administrative functions ~~required by state or federal law.~~

2196 (h) In order to enhance their knowledge, effectiveness,
 2197 and participation in the urbanized area transportation planning
 2198 process, each M.P.O. shall provide training opportunities and
 2199 training funds specifically for local elected officials and
 2200 others who serve on an M.P.O. The training opportunities may be
 2201 conducted by an individual M.P.O. or through statewide and
 2202 federal training programs and initiatives that are specifically
 2203 designed to meet the needs of M.P.O. board members.

2204 (i)~~(h)~~ A chair's coordinating committee is created,
 2205 composed of the M.P.O.'s serving Hernando, Hillsborough,
 2206 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 2207 committee must, at a minimum:

- 2208 1. Coordinate transportation projects deemed to be
- 2209 regionally significant by the committee.
- 2210 2. Review the impact of regionally significant land use
- 2211 decisions on the region.
- 2212 3. Review all proposed regionally significant

2213 transportation projects in the respective transportation
 2214 improvement programs which affect more than one of the M.P.O.'s
 2215 represented on the committee.

2216 4. Institute a conflict resolution process to address any
 2217 conflict that may arise in the planning and programming of such
 2218 regionally significant projects.

2219 (j)~~(i)~~1. The Legislature finds that the state's rapid
 2220 growth in recent decades has caused many urbanized areas subject
 2221 to M.P.O. jurisdiction to become contiguous to each other. As a
 2222 result, various transportation projects may cross from the
 2223 jurisdiction of one M.P.O. into the jurisdiction of another
 2224 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 2225 have been mandated, M.P.O.'s shall develop coordination
 2226 mechanisms with one another to expand and improve transportation
 2227 within the state. The appropriate method of coordination between
 2228 M.P.O.'s shall vary depending upon the project involved and
 2229 given local and regional needs. Consequently, it is appropriate
 2230 to set forth a flexible methodology that can be used by M.P.O.'s
 2231 to coordinate with other M.P.O.'s and appropriate political
 2232 subdivisions as circumstances demand.

2233 2. Any M.P.O. may join with any other M.P.O. or any
 2234 individual political subdivision to coordinate activities or to
 2235 achieve any federal or state transportation planning or
 2236 development goals or purposes consistent with federal or state
 2237 law. When an M.P.O. determines that it is appropriate to join
 2238 with another M.P.O. or any political subdivision to coordinate
 2239 activities, the M.P.O. or political subdivision shall enter into
 2240 an interlocal agreement pursuant to s. 163.01, which, at a

2241 minimum, creates a separate legal or administrative entity to
 2242 coordinate the transportation planning or development activities
 2243 required to achieve the goal or purpose; provides ~~provide~~ the
 2244 purpose for which the entity is created; provides ~~provide~~ the
 2245 duration of the agreement and the entity, and specifies ~~specify~~
 2246 how the agreement may be terminated, modified, or rescinded;
 2247 describes ~~describe~~ the precise organization of the entity,
 2248 including who has voting rights on the governing board, whether
 2249 alternative voting members are provided for, how voting members
 2250 are appointed, and what the relative voting strength is for each
 2251 constituent M.P.O. or political subdivision; provides ~~provide~~
 2252 the manner in which the parties to the agreement will provide
 2253 for the financial support of the entity and payment of costs and
 2254 expenses of the entity; provides ~~provide~~ the manner in which
 2255 funds may be paid to and disbursed from the entity; and provides
 2256 ~~provide~~ how members of the entity will resolve disagreements
 2257 regarding interpretation of the interlocal agreement or disputes
 2258 relating to the operation of the entity. Such interlocal
 2259 agreement shall become effective upon its recordation in the
 2260 official public records of each county in which a member of the
 2261 entity created by the interlocal agreement has a voting member.
 2262 This paragraph does not require any M.P.O.'s to merge, combine,
 2263 or otherwise join together as a single M.P.O.

2264 (7) ~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 2265 develop a long-range transportation plan that addresses at least
 2266 a 20-year planning horizon. The plan must include both long-
 2267 range and short-range strategies and must comply with all other
 2268 state and federal requirements. The prevailing principles to be

2269 considered in the long-range transportation plan are: preserving
2270 the existing transportation infrastructure; enhancing Florida's
2271 economic competitiveness; and improving travel choices to ensure
2272 mobility. The long-range transportation plan must be consistent,
2273 to the maximum extent feasible, with future land use elements
2274 and the goals, objectives, and policies of the approved local
2275 government comprehensive plans of the units of local government
2276 located within the jurisdiction of the M.P.O. The approved long-
2277 range transportation plan must be considered by local
2278 governments in the development of the transportation elements in
2279 local government comprehensive plans and any amendments thereto.
2280 The long-range transportation plan must, at a minimum:

2281 (a) Identify transportation facilities, including, but not
2282 limited to, major roadways, airports, seaports, spaceports,
2283 commuter rail systems, transit systems, and intermodal or
2284 multimodal terminals that will function as an integrated
2285 metropolitan transportation system. The long-range
2286 transportation plan must give emphasis to those transportation
2287 facilities that serve national, statewide, or regional
2288 functions, and must consider the goals and objectives identified
2289 in the Florida Transportation Plan as provided in s. 339.155. If
2290 a project is located within the boundaries of more than one
2291 M.P.O., the M.P.O.'s must coordinate plans regarding the project
2292 in the long-range transportation plan.

2293 (b) Include a financial plan that demonstrates how the
2294 plan can be implemented, indicating resources from public and
2295 private sources which are reasonably expected to be available to
2296 carry out the plan, and recommends any additional financing

2297 strategies for needed projects and programs. The financial plan
2298 may include, for illustrative purposes, additional projects that
2299 would be included in the adopted long-range transportation plan
2300 if reasonable additional resources beyond those identified in
2301 the financial plan were available. For the purpose of developing
2302 the long-range transportation plan, the M.P.O. and the
2303 department shall cooperatively develop estimates of funds that
2304 will be available to support the plan implementation. Innovative
2305 financing techniques may be used to fund needed projects and
2306 programs. Such techniques may include the assessment of tolls,
2307 the use of value capture financing, or the use of value pricing.

2308 (c) Assess capital investment and other measures necessary
2309 to:

2310 1. Ensure the preservation of the existing metropolitan
2311 transportation system including requirements for the operation,
2312 resurfacing, restoration, and rehabilitation of major roadways
2313 and requirements for the operation, maintenance, modernization,
2314 and rehabilitation of public transportation facilities; and

2315 2. Make the most efficient use of existing transportation
2316 facilities to relieve vehicular congestion and maximize the
2317 mobility of people and goods.

2318 (d) Indicate, as appropriate, proposed transportation
2319 enhancement activities, including, but not limited to,
2320 pedestrian and bicycle facilities, scenic easements,
2321 landscaping, historic preservation, mitigation of water
2322 pollution due to highway runoff, and control of outdoor
2323 advertising.

2324 (e) In addition to the requirements of paragraphs (a)-(d),
 2325 in metropolitan areas that are classified as nonattainment areas
 2326 for ozone or carbon monoxide, the M.P.O. must coordinate the
 2327 development of the long-range transportation plan with the State
 2328 Implementation Plan developed pursuant to the requirements of
 2329 the federal Clean Air Act.

2330
 2331 In the development of its long-range transportation plan, each
 2332 M.P.O. must provide the public, affected public agencies,
 2333 representatives of transportation agency employees, freight
 2334 shippers, providers of freight transportation services, private
 2335 providers of transportation, representatives of users of public
 2336 transit, and other interested parties with a reasonable
 2337 opportunity to comment on the long-range transportation plan.
 2338 The long-range transportation plan must be approved by the
 2339 M.P.O.

2340 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
 2341 shall, in cooperation with the state and affected public
 2342 transportation operators, develop a transportation improvement
 2343 program for the area within the jurisdiction of the M.P.O. In
 2344 the development of the transportation improvement program, each
 2345 M.P.O. must provide the public, affected public agencies,
 2346 representatives of transportation agency employees, freight
 2347 shippers, providers of freight transportation services, private
 2348 providers of transportation, representatives of users of public
 2349 transit, and other interested parties with a reasonable
 2350 opportunity to comment on the proposed transportation
 2351 improvement program.

2352 (a) Each M.P.O. is responsible for developing, annually, a
2353 list of project priorities and a transportation improvement
2354 program. The prevailing principles to be considered by each
2355 M.P.O. when developing a list of project priorities and a
2356 transportation improvement program are: preserving the existing
2357 transportation infrastructure; enhancing Florida's economic
2358 competitiveness; and improving travel choices to ensure
2359 mobility. The transportation improvement program will be used to
2360 initiate federally aided transportation facilities and
2361 improvements as well as other transportation facilities and
2362 improvements including transit, rail, aviation, spaceport, and
2363 port facilities to be funded from the State Transportation Trust
2364 Fund within its metropolitan area in accordance with existing
2365 and subsequent federal and state laws and rules and regulations
2366 related thereto. The transportation improvement program shall be
2367 consistent, to the maximum extent feasible, with the approved
2368 local government comprehensive plans of the units of local
2369 government whose boundaries are within the metropolitan area of
2370 the M.P.O. and include those projects programmed pursuant to s.
2371 339.2819(4).

2372 (b) Each M.P.O. annually shall prepare a list of project
2373 priorities and shall submit the list to the appropriate district
2374 of the department by October 1 of each year; however, the
2375 department and a metropolitan planning organization may, in
2376 writing, agree to vary this submittal date. The list of project
2377 priorities must be formally reviewed by the technical and
2378 citizens' advisory committees, and approved by the M.P.O.,
2379 before it is transmitted to the district. The approved list of

2380 project priorities must be used by the district in developing
 2381 the district work program and must be used by the M.P.O. in
 2382 developing its transportation improvement program. The annual
 2383 list of project priorities must be based upon project selection
 2384 criteria that, at a minimum, consider the following:

- 2385 1. The approved M.P.O. long-range transportation plan;
- 2386 2. The Strategic Intermodal System Plan developed under s.
 2387 339.64.
- 2388 3. The priorities developed pursuant to s. 339.2819(4).
- 2389 4. The results of the transportation management systems;
- 2390 and
- 2391 5. The M.P.O.'s public-involvement procedures.

2392 (c) The transportation improvement program must, at a
 2393 minimum:

- 2394 1. Include projects and project phases to be funded with
 2395 state or federal funds within the time period of the
 2396 transportation improvement program and which are recommended for
 2397 advancement during the next fiscal year and 4 subsequent fiscal
 2398 years. Such projects and project phases must be consistent, to
 2399 the maximum extent feasible, with the approved local government
 2400 comprehensive plans of the units of local government located
 2401 within the jurisdiction of the M.P.O. For informational
 2402 purposes, the transportation improvement program shall also
 2403 include a list of projects to be funded from local or private
 2404 revenues.

- 2405 2. Include projects within the metropolitan area which are
 2406 proposed for funding under 23 U.S.C. s. 134 of the Federal

2407 Transit Act and which are consistent with the long-range
2408 transportation plan developed under subsection (7) ~~(6)~~.

2409 3. Provide a financial plan that demonstrates how the
2410 transportation improvement program can be implemented; indicates
2411 the resources, both public and private, that are reasonably
2412 expected to be available to accomplish the program; identifies
2413 any innovative financing techniques that may be used to fund
2414 needed projects and programs; and may include, for illustrative
2415 purposes, additional projects that would be included in the
2416 approved transportation improvement program if reasonable
2417 additional resources beyond those identified in the financial
2418 plan were available. Innovative financing techniques may include
2419 the assessment of tolls, the use of value capture financing, or
2420 the use of value pricing. The transportation improvement program
2421 may include a project or project phase only if full funding can
2422 reasonably be anticipated to be available for the project or
2423 project phase within the time period contemplated for completion
2424 of the project or project phase.

2425 4. Group projects and project phases of similar urgency
2426 and anticipated staging into appropriate staging periods.

2427 5. Indicate how the transportation improvement program
2428 relates to the long-range transportation plan developed under
2429 subsection (7) ~~(6)~~, including providing examples of specific
2430 projects or project phases that further the goals and policies
2431 of the long-range transportation plan.

2432 6. Indicate whether any project or project phase is
2433 inconsistent with an approved comprehensive plan of a unit of
2434 local government located within the jurisdiction of the M.P.O.

2435 If a project is inconsistent with an affected comprehensive
2436 plan, the M.P.O. must provide justification for including the
2437 project in the transportation improvement program.

2438 7. Indicate how the improvements are consistent, to the
2439 maximum extent feasible, with affected seaport, airport, and
2440 spaceport master plans and with public transit development plans
2441 of the units of local government located within the jurisdiction
2442 of the M.P.O. If a project is located within the boundaries of
2443 more than one M.P.O., the M.P.O.'s must coordinate plans
2444 regarding the project in the transportation improvement program.

2445 (d) Projects included in the transportation improvement
2446 program and that have advanced to the design stage of
2447 preliminary engineering may be removed from or rescheduled in a
2448 subsequent transportation improvement program only by the joint
2449 action of the M.P.O. and the department. Except when recommended
2450 in writing by the district secretary for good cause, any project
2451 removed from or rescheduled in a subsequent transportation
2452 improvement program shall not be rescheduled by the M.P.O. in
2453 that subsequent program earlier than the 5th year of such
2454 program.

2455 (e) During the development of the transportation
2456 improvement program, the M.P.O. shall, in cooperation with the
2457 department and any affected public transit operation, provide
2458 citizens, affected public agencies, representatives of
2459 transportation agency employees, freight shippers, providers of
2460 freight transportation services, private providers of
2461 transportation, representatives of users of public transit, and

2462 other interested parties with reasonable notice of and an
2463 opportunity to comment on the proposed program.

2464 (f) The adopted annual transportation improvement program
2465 for M.P.O.'s in nonattainment or maintenance areas must be
2466 submitted to the district secretary and the Department of
2467 Community Affairs at least 90 days before the submission of the
2468 state transportation improvement program by the department to
2469 the appropriate federal agencies. The annual transportation
2470 improvement program for M.P.O.'s in attainment areas must be
2471 submitted to the district secretary and the Department of
2472 Community Affairs at least 45 days before the department submits
2473 the state transportation improvement program to the appropriate
2474 federal agencies; however, the department, the Department of
2475 Community Affairs, and a metropolitan planning organization may,
2476 in writing, agree to vary this submittal date. The Governor or
2477 the Governor's designee shall review and approve each
2478 transportation improvement program and any amendments thereto.

2479 (g) The Department of Community Affairs shall review the
2480 annual transportation improvement program of each M.P.O. for
2481 consistency with the approved local government comprehensive
2482 plans of the units of local government whose boundaries are
2483 within the metropolitan area of each M.P.O. and shall identify
2484 those projects that are inconsistent with such comprehensive
2485 plans. The Department of Community Affairs shall notify an
2486 M.P.O. of any transportation projects contained in its
2487 transportation improvement program which are inconsistent with
2488 the approved local government comprehensive plans of the units

2489 of local government whose boundaries are within the metropolitan
 2490 area of the M.P.O.

2491 (h) The M.P.O. shall annually publish or otherwise make
 2492 available for public review the annual listing of projects for
 2493 which federal funds have been obligated in the preceding year.
 2494 Project monitoring systems must be maintained by those agencies
 2495 responsible for obligating federal funds and made accessible to
 2496 the M.P.O.'s.

2497 (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 2498 develop, in cooperation with the department and public
 2499 transportation providers, a unified planning work program that
 2500 lists all planning tasks to be undertaken during the program
 2501 year. The unified planning work program must provide a complete
 2502 description of each planning task and an estimated budget
 2503 therefor and must comply with applicable state and federal law.

2504 (10)~~(9)~~ AGREEMENTS.--

2505 (a) Each M.P.O. shall execute the following written
 2506 agreements, which shall be reviewed, and updated as necessary,
 2507 every 5 years:

2508 1. An agreement with the department clearly establishing
 2509 the cooperative relationship essential to accomplish the
 2510 transportation planning requirements of state and federal law.

2511 2. An agreement with the metropolitan and regional
 2512 intergovernmental coordination and review agencies serving the
 2513 metropolitan areas, specifying the means by which activities
 2514 will be coordinated and how transportation planning and
 2515 programming will be part of the comprehensive planned
 2516 development of the area.

2517 3. An agreement with operators of public transportation
 2518 systems, including transit systems, commuter rail systems,
 2519 airports, seaports, and spaceports, describing the means by
 2520 which activities will be coordinated and specifying how public
 2521 transit, commuter rail, aviation, seaport, and aerospace
 2522 planning and programming will be part of the comprehensive
 2523 planned development of the metropolitan area.

2524 (b) An M.P.O. may execute other agreements required by
 2525 state or federal law or as necessary to properly accomplish its
 2526 functions.

2527 (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
 2528 COUNCIL.--

2529 (a) A Metropolitan Planning Organization Advisory Council
 2530 is created to augment, and not supplant, the role of the
 2531 individual M.P.O.'s in the cooperative transportation planning
 2532 process described in this section.

2533 (b) The council shall consist of one representative from
 2534 each M.P.O. and shall elect a chairperson annually from its
 2535 number. Each M.P.O. shall also elect an alternate representative
 2536 from each M.P.O. to vote in the absence of the representative.
 2537 Members of the council do not receive any compensation for their
 2538 services, but may be reimbursed from funds made available to
 2539 council members for travel and per diem expenses incurred in the
 2540 performance of their council duties as provided in s. 112.061.

2541 (c) The powers and duties of the Metropolitan Planning
 2542 Organization Advisory Council are to:

2543 1. Enter into contracts with individuals, private
 2544 corporations, and public agencies.

- 2545 2. Acquire, own, operate, maintain, sell, or lease
 2546 personal property essential for the conduct of business.
- 2547 3. Accept funds, grants, assistance, gifts, or bequests
 2548 from private, local, state, or federal sources.
- 2549 4. Establish bylaws and adopt rules pursuant to ss.
 2550 120.536(1) and 120.54 to implement provisions of law conferring
 2551 powers or duties upon it.
- 2552 5. Assist M.P.O.'s in carrying out the urbanized area
 2553 transportation planning process by serving as the principal
 2554 forum for collective policy discussion pursuant to law.
- 2555 6. Serve as a clearinghouse for review and comment by
 2556 M.P.O.'s on the Florida Transportation Plan and on other issues
 2557 required to comply with federal or state law in carrying out the
 2558 urbanized area transportation and systematic planning processes
 2559 instituted pursuant to s. 339.155.
- 2560 7. Employ an executive director and such other staff as
 2561 necessary to perform adequately the functions of the council,
 2562 within budgetary limitations. The executive director and staff
 2563 are exempt from part II of chapter 110 and serve at the
 2564 direction and control of the council. The council is assigned to
 2565 the Office of the Secretary of the Department of Transportation
 2566 for fiscal and accountability purposes, but it shall otherwise
 2567 function independently of the control and direction of the
 2568 department.
- 2569 8. Adopt an agency strategic plan that provides the
 2570 priority directions the agency will take to carry out its
 2571 mission within the context of the state comprehensive plan and
 2572 any other statutory mandates and directions given to the agency.

2573 (12) ~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by
 2574 an agency of the Federal Government that any provision of this
 2575 section conflicts with federal laws or regulations, such federal
 2576 laws or regulations will take precedence to the extent of the
 2577 conflict until such conflict is resolved. The department or an
 2578 M.P.O. may take any necessary action to comply with such federal
 2579 laws and regulations or to continue to remain eligible to
 2580 receive federal funds.

2581 (13) ~~(12)~~ VOTING REQUIREMENTS.--Each long-range
 2582 transportation plan required pursuant to subsection (7) ~~(6)~~,
 2583 each annually updated Transportation Improvement Program
 2584 required under subsection (8) ~~(7)~~, and each amendment that
 2585 affects projects in the first 3 years of such plans and programs
 2586 must be approved by each M.P.O. on a recorded roll call vote, or
 2587 hand-counted vote, of a majority of the membership present.

2588 Section 34. Subsection (2) of section 339.2819, Florida
 2589 Statutes, is amended to read:

2590 339.2819 Transportation Regional Incentive Program.--

2591 (2) The percentage of matching funds provided from the
 2592 Transportation Regional Incentive Program shall be 50 percent of
 2593 project costs, ~~or up to 50 percent of the nonfederal share of~~
 2594 ~~the eligible project cost for a public transportation facility~~
 2595 ~~project.~~

2596 Section 35. Section 339.282, Florida Statutes, is created
 2597 to read:

2598 339.282 Transportation concurrency incentives.--The
 2599 Legislature finds that allowing private-sector entities to
 2600 finance, construct, and improve public transportation facilities

2601 can provide significant benefits to the citizens of this state
2602 by facilitating transportation of the general public without the
2603 need for additional public tax revenues. In order to encourage
2604 the more efficient and proactive provision of transportation
2605 improvements by the private sector, if a developer or property
2606 owner voluntarily contributes right-of-way and physically
2607 constructs or expands a state transportation facility or segment
2608 and such construction or expansion improves traffic flow,
2609 capacity, or safety, the voluntary contribution may be applied
2610 as a credit for that property owner or developer against any
2611 future transportation concurrency requirement pursuant to
2612 chapter 163, provided such contributions and credits are set
2613 forth in a legally binding agreement executed by the property
2614 owner or developer, the local government within whose
2615 jurisdiction the facility is located, and the department. If the
2616 developer or property owner voluntarily contributes right-of-way
2617 and physically constructs or expands a local government facility
2618 or segment and such construction or expansion meets the
2619 requirements in this section and in a legally binding agreement
2620 between the property owner or developer and the applicable local
2621 government, the contribution to the local government collector
2622 and the arterial system may be applied as credit against any
2623 future transportation concurrency requirements within the
2624 jurisdiction pursuant to chapter 163.

2625 Section 36. Subsection (4) of section 339.55, Florida
2626 Statutes, is amended, and paragraph (c) is added to subsection
2627 (2) and paragraph (j) is added to subsection (7) of that
2628 section, to read:

2629 | 339.55 State-funded infrastructure bank.--

2630 | (2) The bank may lend capital costs or provide credit

2631 | enhancements for:

2632 | (c)1. Emergency loans for damages incurred to public-use

2633 | commercial deepwater seaports, public-use airports, and other

2634 | public-use transit and intermodal facilities that are within an

2635 | area that is part of an official state declaration of emergency

2636 | pursuant to chapter 252 and all other applicable laws. Such

2637 | loans:

2638 | a. May not exceed 24 months in duration except in extreme

2639 | circumstances, for which the Secretary of Transportation may

2640 | grant up to 36 months upon making written findings specifying

2641 | the conditions requiring a 36-month term.

2642 | b. Require application from the recipient to the

2643 | department that includes documentation of damage claims filed

2644 | with the Federal Emergency Management Agency or an applicable

2645 | insurance carrier and documentation of the recipient's overall

2646 | financial condition.

2647 | c. Are subject to approval by the Secretary of

2648 | Transportation and the Legislative Budget Commission.

2649 | 2. Loans provided under this paragraph must be repaid upon

2650 | receipt by the recipient of eligible program funding for damages

2651 | in accordance with the claims filed with the Federal Emergency

2652 | Management Agency or an applicable insurance carrier, but no

2653 | later than the duration of the loan.

2654 | (4) Loans from the bank may bear interest at or below

2655 | market interest rates, as determined by the department.

2656 | Repayment of any loan from the bank shall commence not later

2657 | than 5 years after the project has been completed or, in the
 2658 | case of a highway project, the facility has opened to traffic,
 2659 | whichever is later, and shall be repaid in no more than 30
 2660 | years, except for loans provided under paragraph (2)(c), which
 2661 | shall be repaid in no more than 36 months.

2662 | (7) The department may consider, but is not limited to,
 2663 | the following criteria for evaluation of projects for assistance
 2664 | from the bank:

2665 | (j) The extent to which damage from a disaster that
 2666 | results in a declaration of emergency has impacted a public
 2667 | transportation facility's ability to maintain its previous level
 2668 | of service and remain accessible to the public or has had a
 2669 | major impact on the cash flow or revenue-generation ability of
 2670 | the public-use facility.

2671 | Section 37. Section 339.63, Florida Statutes, is amended
 2672 | to read:

2673 | 339.63 System facilities designated; additions and
 2674 | deletions.--

2675 | (1) The initial Strategic Intermodal System shall include
 2676 | all facilities that meet the criteria recommended by the
 2677 | Strategic Intermodal Steering Committee in a report titled
 2678 | "Steering Committee Final Report: Recommendations for
 2679 | Designating Florida's Strategic Intermodal System" dated
 2680 | December 2002.

2681 | (2) The Strategic Intermodal System and the Emerging
 2682 | Strategic Intermodal System include three different types of
 2683 | facilities, each of which forms one component of an
 2684 | interconnected transportation system:

2685 (a) Existing or planned hubs, which are ports and
2686 terminals, including airports, seaports, spaceports, passenger
2687 terminals, and rail terminals that move goods or people between
2688 regions in this state or between this state and markets in other
2689 states or nations;

2690 (b) Existing or planned corridors, which are highways,
2691 rail lines, waterways, and other exclusive-use facilities that
2692 connect major markets within this state or between this state
2693 and other states or nations; and

2694 (c) Existing or planned intermodal connectors, which are
2695 highways, rail lines, or waterways that connect hubs and
2696 corridors.

2697 (3) Subsequent to the initial designation of the Strategic
2698 Intermodal System pursuant to subsection (1), the department
2699 Secretary of Transportation shall, in coordination with the
2700 metropolitan planning organizations, local governments, regional
2701 planning councils, transportation providers, and affected public
2702 agencies, periodically add facilities to or delete facilities
2703 from the Strategic Intermodal System described in paragraphs
2704 (2)(b) and (c) based upon adopted criteria adopted by the
2705 department.

2706 (4) Subsequent to the initial designation of the Strategic
2707 Intermodal System pursuant to subsection (1), the department
2708 shall, in coordination with the metropolitan planning
2709 organizations, local governments, regional planning councils,
2710 transportation providers, and affected public agencies, add
2711 facilities to or delete facilities from the Strategic Intermodal
2712 System described in paragraph (2)(a) based upon meeting at least

2713 one of the specific criteria as follows:

2714 (a) Strategic Intermodal System airports.--Commercial
 2715 service airports that provide service to no less than 0.25
 2716 percent of total United States passenger enplanements or that
 2717 handle no less than 0.25 percent of total United States air
 2718 freight and mail tonnage annually.

2719 (b) Emerging Strategic Intermodal System airports based on
 2720 activity.--Commercial service airports that provide commercial
 2721 service to no less than 0.05 percent of total United States
 2722 passenger enplanements, or that handle no less than 0.05 percent
 2723 of total United States air freight and mail tonnage annually,
 2724 and are located more than 50 miles from the closest Strategic
 2725 Intermodal System commercial service airport.

2726 (c) Emerging Strategic Intermodal System airports based on
 2727 economic connectivity.--Commercial service airports that serve
 2728 clusters of aviation-dependent industries, are located in or
 2729 adjacent to counties with projected population growth among the
 2730 top 25 percent statewide, and are located more than 50 miles
 2731 from a Strategic Intermodal System commercial service airport.

2732 (d) General aviation reliever airports.--General aviation
 2733 reliever airports that have at least 75,000 itinerant operations
 2734 per year, have a runway length of at least 5,500 linear feet,
 2735 are capable of handling aircraft weighing at least 60,000 pounds
 2736 with a dual wheel configuration which are served by at least one
 2737 precision instrument approach, and serve a cluster of aviation-
 2738 dependent industries.

2739 (e) Strategic Intermodal System spaceports.--Operating
 2740 spaceports handling commercial or military freight payloads.

2741 (f) Strategic Intermodal System seaports.--Deepwater
2742 seaports that provide service to no less than 250,000 homeport
2743 passengers per year or that handle no less than 0.25 percent of
2744 total United States waterborne freight tonnage or total United
2745 States waterborne container movements annually.

2746 (g) Emerging Strategic Intermodal System seaports based on
2747 activity.--Deepwater seaports that provide service to no less
2748 than 50,000 homeport passengers per year, or that handle no less
2749 than 0.05 percent of total United States waterborne freight
2750 tonnage or total United States waterborne container movements
2751 annually, and are located more than 50 miles from the closest
2752 Strategic Intermodal System seaport.

2753 (h) Emerging Strategic Intermodal System seaports based on
2754 economic connectivity.--Deepwater seaports that serve industries
2755 dependent on waterborne transportation service located in or
2756 adjacent to counties with projected population growth among the
2757 top 25 percent statewide and are located more than 50 miles from
2758 the closest Strategic Intermodal System seaport.

2759 (i) Strategic Intermodal System passenger
2760 terminals.--Terminals that serve no less than 100,000
2761 interregional or interstate passengers annually.

2762 (j) Emerging Strategic Intermodal System passenger
2763 terminals based on activity.--Terminals that serve no less than
2764 50,000 interregional or interstate passengers annually and are
2765 located more than 50 miles from the nearest Strategic Intermodal
2766 System passenger terminal at which service by the same operator
2767 is provided.

2768 (k) Emerging Strategic Intermodal System passenger rail

2769 terminals based on economic connectivity.--Terminals that serve
 2770 4-year colleges and universities and clusters of tourism
 2771 activity, are located in or adjacent to counties with projected
 2772 population growth among the top 25 percent statewide, and are
 2773 located more than 50 miles from the closest Strategic Intermodal
 2774 System passenger terminal.

2775 (l) Strategic Intermodal System freight rail
 2776 terminals.--Terminals that handle no less than 0.25 percent of
 2777 United States total rail freight activity annually.

2778 (m) Emerging Strategic Intermodal System freight rail
 2779 terminals based on activity.--Terminals that handle no less than
 2780 0.05 percent of United States total rail freight activity
 2781 annually.

2782 (n) Emerging Strategic Intermodal System freight rail
 2783 terminals based on economic connectivity.--Terminals that serve
 2784 clusters of rail-dependent industries, are located in or
 2785 adjacent to counties with projected employment growth among the
 2786 top 25 percent statewide, and are located more than 50 miles
 2787 from the closest Strategic Intermodal System freight rail
 2788 terminal.

2789 (5) Subsequent to the initial designation of the Strategic
 2790 Intermodal System pursuant to subsection (1), the department
 2791 shall, in coordination with the metropolitan planning
 2792 organizations, local governments, regional planning councils,
 2793 transportation providers, and affected public agencies, add
 2794 planned facilities to or delete planned facilities from the
 2795 Strategic Intermodal System described in paragraph (2) (a) based
 2796 upon meeting the specific criteria as follows:

2797 (a) Criteria and thresholds.--The planned facility or
 2798 service is projected to meet all applicable Strategic Intermodal
 2799 System or Emerging Strategic Intermodal System criteria and
 2800 thresholds within the first 3 years of operation.

2801 (b) Financial feasibility.--The planned facility or
 2802 service is financially feasible.

2803 Section 38. Subsection (2) of section 341.071, Florida
 2804 Statutes, is amended to read:

2805 341.071 Transit productivity and performance measures;
 2806 reports.--

2807 (2) Each public transit provider shall establish
 2808 productivity and performance measures, which must be approved by
 2809 the department and which must be selected from measures
 2810 developed pursuant to s. 341.041(3). Each provider shall, by
 2811 January 31 of each year, report annually to the department
 2812 relative to these measures. In approving these measures, the
 2813 department shall give consideration to the goals and objectives
 2814 of each system, the needs of the local area, and the role for
 2815 public transit in the local area. The report shall also
 2816 specifically address potential enhancements to productivity and
 2817 performance which would have the effect of increasing farebox
 2818 recovery ratio.

2819 Section 39. Paragraph (a) of subsection (2) of section
 2820 343.81, Florida Statutes, is amended to read:

2821 343.81 Northwest Florida Transportation Corridor
 2822 Authority.--

2823 (2) (a) The governing body of the authority shall consist
 2824 of eight voting members, one each from Escambia, Santa Rosa,

2825 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
 2826 appointed by the Governor to a 4-year term. The appointees shall
 2827 be residents of their respective counties and may not hold an
 2828 elected office. Upon the effective date of his or her
 2829 appointment, or as soon thereafter as practicable, each
 2830 appointed member of the authority shall enter upon his or her
 2831 duties. Each appointed member shall hold office until his or her
 2832 successor has been appointed and has qualified. A vacancy
 2833 occurring during a term shall be filled only for the balance of
 2834 the unexpired term. Any member of the authority shall be
 2835 eligible for reappointment. Members of the authority may be
 2836 removed from office by the Governor for misconduct, malfeasance,
 2837 misfeasance, or nonfeasance in office.

2838 Section 40. The amendments made by this act to s. 343.81,
 2839 Florida Statutes, prohibiting the appointment of a person
 2840 holding an elected office to the Northwest Florida
 2841 Transportation Corridor Authority shall not prohibit any member
 2842 appointed prior to the effective date of this act from
 2843 completing his or her current term, and the prohibition shall
 2844 apply only to members appointed after the effective date of this
 2845 act and shall not preclude the reappointment of any existing
 2846 members.

2847 Section 41. Subsection (2) of section 343.82, Florida
 2848 Statutes, is amended to read:

2849 343.82 Purposes and powers.--

2850 (2) (a) The authority is authorized to construct any feeder
 2851 roads, reliever roads, connector roads, bypasses, or appurtenant
 2852 facilities that are intended to improve mobility along the U.S.

2853 98 corridor. The transportation improvement projects may also
2854 include all necessary approaches, roads, bridges, and avenues of
2855 access that are desirable and proper with the concurrence, where
2856 applicable, of the department if the project is to be part of
2857 the State Highway System or the respective county or municipal
2858 governing boards. Any transportation facilities constructed by
2859 the authority may be tolled.

2860 (b) Notwithstanding any special act to the contrary, the
2861 authority shall plan for and study the feasibility of
2862 constructing, operating, and maintaining a bridge or bridges
2863 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
2864 access roads to such bridge or bridges, including studying the
2865 environmental and economic feasibility of such bridge or
2866 bridges and access roads, and such other transportation
2867 facilities that become part of such bridge system. The authority
2868 may construct, operate, and maintain the bridge system if the
2869 authority determines that the bridge system project is feasible
2870 and consistent with the authority's primary purpose and master
2871 plan.

2872 Section 42. Subsection (9) of section 348.0004, Florida
2873 Statutes, is amended to read:

2874 348.0004 Purposes and powers.--

2875 (9) The Legislature declares that there is a public need
2876 for rapid construction of safe and efficient transportation
2877 facilities for travel within the state and that it is in the
2878 public's interest to provide for public-private partnership
2879 agreements to effectuate the construction of additional safe,
2880 convenient, and economical transportation facilities.

2881 (a) Notwithstanding any other provision of the Florida
 2882 Expressway Authority Act, any expressway authority,
 2883 transportation authority, bridge authority, or toll authority
 2884 established under this part or any other statute may receive or
 2885 solicit proposals and enter into agreements with private
 2886 entities, or consortia thereof, for the building, operation,
 2887 ownership, or financing of ~~expressway~~ authority transportation
 2888 facilities or new transportation facilities within the
 2889 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 2890 authority is authorized to adopt rules to implement this
 2891 subsection and shall, by rule, establish an application fee for
 2892 the submission of unsolicited proposals under this subsection.
 2893 The fee must be sufficient to pay the costs of evaluating the
 2894 proposals. An ~~expressway~~ authority may engage private
 2895 consultants to assist in the evaluation. Before approval, an
 2896 ~~expressway~~ authority must determine that a proposed project:

- 2897 1. Is in the public's best interest.
- 2898 2. Would not require state funds to be used unless the
 2899 project is on or provides increased mobility on the State
 2900 Highway System.
- 2901 3. Would have adequate safeguards to ensure that no
 2902 additional costs or service disruptions would be realized by the
 2903 traveling public and residents ~~citizens~~ of the state in the
 2904 event of default or the cancellation of the agreement by the
 2905 ~~expressway~~ authority.

2906 (b) An ~~expressway~~ authority shall ensure that all
 2907 reasonable costs to the state which are, related to
 2908 transportation facilities that are not part of the State Highway

2909 System, are borne by the private entity. An ~~expressway~~ authority
2910 shall also ensure that all reasonable costs to the state and
2911 substantially affected local governments and utilities related
2912 to the private transportation facility are borne by the private
2913 entity for transportation facilities that are owned by private
2914 entities. For projects on the State Highway System, the
2915 department may use state resources to participate in funding and
2916 financing the project as provided for under the department's
2917 enabling legislation.

2918 (c) The ~~expressway~~ authority may request proposals for
2919 public-private transportation projects or, if it receives an
2920 unsolicited proposal, it must publish a notice in the Florida
2921 Administrative Weekly and a newspaper of general circulation in
2922 the county in which it is located at least once a week for 2
2923 weeks, stating that it has received the proposal and will
2924 accept, for 60 days after the initial date of publication, other
2925 proposals for the same project purpose. A copy of the notice
2926 must be mailed to each local government in the affected areas.
2927 After the public notification period has expired, the ~~expressway~~
2928 authority shall rank the proposals in order of preference. In
2929 ranking the proposals, the ~~expressway~~ authority shall consider
2930 professional qualifications, general business terms, innovative
2931 engineering or cost-reduction terms, finance plans, and the need
2932 for state funds to deliver the proposal. If the ~~expressway~~
2933 authority is not satisfied with the results of the negotiations,
2934 it may, at its sole discretion, terminate negotiations with the
2935 proposer. If these negotiations are unsuccessful, the ~~expressway~~
2936 authority may go to the second and lower-ranked firms, in order,

2937 using the same procedure. If only one proposal is received, the
2938 ~~expressway~~ authority may negotiate in good faith, and if it is
2939 not satisfied with the results, it may, at its sole discretion,
2940 terminate negotiations with the proposer. Notwithstanding this
2941 paragraph, the ~~expressway~~ authority may, at its discretion,
2942 reject all proposals at any point in the process up to
2943 completion of a contract with the proposer.

2944 (d) The department may lend funds from the Toll Facilities
2945 Revolving Trust Fund, as outlined in s. 338.251, to public-
2946 private partnerships. To be eligible, a private entity must
2947 comply with s. 338.251 and must provide an indication from a
2948 nationally recognized rating agency that the senior bonds for
2949 the project will be investment grade or must provide credit
2950 support, such as a letter of credit or other means acceptable to
2951 the department, to ensure that the loans will be fully repaid.

2952 (e) Agreements entered into pursuant to this subsection
2953 may authorize the public-private entity to impose tolls or fares
2954 for the use of the facility. However, the amount and use of toll
2955 or fare revenues shall be regulated by the ~~expressway~~ authority
2956 to avoid unreasonable costs to users of the facility.

2957 (f) Agreements entered into pursuant to this section may
2958 lease existing toll facilities through public-private
2959 partnerships. If the agreement for leasing an existing toll
2960 facility does not include provisions for additional capacity,
2961 the project and the provisions of the agreement must be approved
2962 by the Florida Transportation Commission.

2963 (g) ~~(f)~~ Each public-private transportation facility
2964 constructed pursuant to this subsection shall comply with all

2965 requirements of federal, state, and local laws; state, regional,
 2966 and local comprehensive plans; the ~~expressway~~ authority's rules,
 2967 policies, procedures, and standards for transportation
 2968 facilities; and any other conditions that the ~~expressway~~
 2969 authority determines to be in the public's best interest.

2970 ~~(h)(g)~~ An ~~expressway~~ authority may exercise any power
 2971 possessed by it, including eminent domain, to facilitate the
 2972 development and construction of transportation projects pursuant
 2973 to this subsection. An ~~expressway~~ authority may pay all or part
 2974 of the cost of operating and maintaining the facility or may
 2975 provide services to the private entity for which it receives
 2976 full or partial reimbursement for services rendered.

2977 ~~(i)(h)~~ Except as herein provided, this subsection is not
 2978 intended to amend existing laws by granting additional powers to
 2979 or further restricting the governmental entities from regulating
 2980 and entering into cooperative arrangements with the private
 2981 sector for the planning, construction, and operation of
 2982 transportation facilities. Use of the powers granted in this
 2983 subsection may not subject a statutorily created expressway
 2984 authority, transportation authority, bridge authority, or toll
 2985 authority, other than one statutorily created under this part,
 2986 to any of the requirements of this part other than those
 2987 contained in this subsection.

2988 Section 43. Section 348.0012, Florida Statutes, is amended
 2989 to read:

2990 348.0012 Exemptions from applicability.--The Florida
 2991 Expressway Authority Act does not apply:

2992 (1) In a county in which an expressway authority has been

2993 created pursuant to parts II-IX of this chapter, except as
 2994 expressly provided in this part; or

2995 (2) To a transportation authority created pursuant to
 2996 chapter 349.

2997 Section 44. Paragraph (1) of subsection (2) of section
 2998 348.243, Florida Statutes, is amended to read:

2999 348.243 Purposes and powers.--

3000 (2) The authority is granted, and shall have and may
 3001 exercise, all powers necessary, appurtenant, convenient, or
 3002 incidental to the carrying out of the aforesaid purposes,
 3003 including, but not limited to, the following rights and powers:

3004 (1) To enter into an agreement to sell, transfer, and
 3005 dispose of all property of the Sawgrass Expressway, whether
 3006 real, personal, or mixed, tangible or intangible, to the
 3007 Department of Transportation as part of the Turnpike System in
 3008 accordance with s. 338.2275 (3) ~~(4)~~.

3009 Section 45. Subsection (6) is added to section 348.754,
 3010 Florida Statutes, to read:

3011 348.754 Purposes and powers.--

3012 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
 3013 County Expressway Authority may waive payment and performance
 3014 bonds on construction contracts for the construction of a public
 3015 building, for the prosecution and completion of a public work,
 3016 or for repairs on a public building or public work that has a
 3017 cost of \$500,000 or less and when the project is awarded
 3018 pursuant to an economic development program for the
 3019 encouragement of local small businesses that has been adopted by
 3020 the governing body of the Orlando-Orange County Expressway

3021 Authority pursuant to a resolution or policy.

3022 (b) The authority's adopted criteria for participation in

3023 the economic development program for local small businesses

3024 shall require that a participant:

3025 1. Be an independent business.

3026 2. Be principally domiciled in the Orange County Standard

3027 Metropolitan Statistical Area.

3028 3. Employ 25 or fewer full-time employees.

3029 4. Have gross annual sales averaging \$3 million or less

3030 over the immediately preceding 3 calendar years with regard to

3031 any construction element of the program.

3032 5. Be accepted as a participant in the Orlando-Orange

3033 County Expressway Authority's microcontracts program or such

3034 other small business program as may be hereinafter enacted by

3035 the Orlando-Orange County Expressway Authority.

3036 6. Participate in an educational curriculum or technical

3037 assistance program for business development that will assist the

3038 small business in becoming eligible for bonding.

3039 (c) The authority's adopted procedures for waiving payment

3040 and performance bonds on projects with values not less than

3041 \$200,000 and not exceeding \$500,000 shall provide that payment

3042 and performance bonds may only be waived on projects that have

3043 been set aside to be competitively bid on by participants in an

3044 economic development program for local small businesses. The

3045 authority's executive director or his or her designee shall

3046 determine whether specific construction projects are suitable

3047 for:

3048 1. Bidding under the authority's microcontracts program by

3049 registered local small businesses; and

3050 2. Waiver of the payment and performance bond.

3051

3052 The decision of the authority's executive director or deputy
 3053 executive director to waive the payment and performance bond
 3054 shall be based upon his or her investigation and conclusion that
 3055 there exists sufficient competition so that the authority
 3056 receives a fair price and does not undertake any unusual risk
 3057 with respect to such project.

3058 (d) For any contract for which a payment and performance
 3059 bond has been waived pursuant to the authority set forth in this
 3060 section, the Orlando-Orange County Expressway Authority shall
 3061 pay all persons defined in s. 713.01 who furnish labor,
 3062 services, or materials for the prosecution of the work provided
 3063 for in the contract to the same extent and upon the same
 3064 conditions that a surety on the payment bond under s. 255.05
 3065 would have been obligated to pay such persons if the payment and
 3066 performance bond had not been waived. The authority shall record
 3067 notice of this obligation in the manner and location that surety
 3068 bonds are recorded. The notice shall include the information
 3069 describing the contract that s. 255.05(1) requires be stated on
 3070 the front page of the bond. Notwithstanding that s. 255.05(9)
 3071 generally applies when a performance and payment bond is
 3072 required, s. 255.05(9) shall apply under this subsection to any
 3073 contract on which performance or payment bonds are waived and
 3074 any claim to payment under this subsection shall be treated as a
 3075 contract claim pursuant to s. 255.05(9).

3076 (e) A small business that has been the successful bidder

3077 on six projects for which the payment and performance bond was
 3078 waived by the authority pursuant to paragraph (a) shall be
 3079 ineligible to bid on additional projects for which the payment
 3080 and performance bond is to be waived. The local small business
 3081 may continue to participate in other elements of the economic
 3082 development program for local small businesses as long as it is
 3083 eligible.

3084 (f) The authority shall conduct bond eligibility training
 3085 for businesses qualifying for bond waiver under this subsection
 3086 to encourage and promote bond eligibility for such businesses.

3087 (g) The authority shall prepare a biennial report on the
 3088 activities undertaken pursuant to this subsection to be
 3089 submitted to the Orange County legislative delegation. The
 3090 initial report shall be due December 31, 2010.

3091 Section 46. Paragraph (a) of subsection (3) of section
 3092 163.3177, Florida Statutes, is amended to read:

3093 163.3177 Required and optional elements of comprehensive
 3094 plan; studies and surveys.--

3095 (3) (a) The comprehensive plan shall contain a capital
 3096 improvements element designed to consider the need for and the
 3097 location of public facilities in order to encourage the
 3098 efficient utilization of such facilities and set forth:

3099 1. A component which outlines principles for construction,
 3100 extension, or increase in capacity of public facilities, as well
 3101 as a component which outlines principles for correcting existing
 3102 public facility deficiencies, which are necessary to implement
 3103 the comprehensive plan. The components shall cover at least a 5-
 3104 year period.

3105 2. Estimated public facility costs, including a
3106 delineation of when facilities will be needed, the general
3107 location of the facilities, and projected revenue sources to
3108 fund the facilities.

3109 3. Standards to ensure the availability of public
3110 facilities and the adequacy of those facilities including
3111 acceptable levels of service.

3112 4. Standards for the management of debt.

3113 5. A schedule of capital improvements which includes
3114 publicly funded projects, and which may include privately funded
3115 projects for which the local government has no fiscal
3116 responsibility, necessary to ensure that adopted level-of-
3117 service standards are achieved and maintained. For capital
3118 improvements that will be funded by the developer, financial
3119 feasibility shall be demonstrated by being guaranteed in an
3120 enforceable development agreement or interlocal agreement
3121 pursuant to paragraph (10)(h), or other enforceable agreement.
3122 These development agreements and interlocal agreements shall be
3123 reflected in the schedule of capital improvements if the capital
3124 improvement is necessary to serve development within the 5-year
3125 schedule. If the local government uses planned revenue sources
3126 that require referenda or other actions to secure the revenue
3127 source, the plan must, in the event the referenda are not passed
3128 or actions do not secure the planned revenue source, identify
3129 other existing revenue sources that will be used to fund the
3130 capital projects or otherwise amend the plan to ensure financial
3131 feasibility.

3132 6. The schedule must include transportation improvements

3133 included in the applicable metropolitan planning organization's
 3134 transportation improvement program adopted pursuant to s.
 3135 339.175(8) ~~(7)~~ to the extent that such improvements are relied
 3136 upon to ensure concurrency and financial feasibility. The
 3137 schedule must also be coordinated with the applicable
 3138 metropolitan planning organization's long-range transportation
 3139 plan adopted pursuant to s. 339.175(7) ~~(6)~~.

3140 Section 47. Section 339.176, Florida Statutes, is amended
 3141 to read:

3142 339.176 Voting membership for M.P.O. with boundaries
 3143 including certain counties.--In addition to the voting
 3144 membership established by s. 339.175(3) ~~(2)~~ and notwithstanding
 3145 any other provision of law to the contrary, the voting
 3146 membership of any Metropolitan Planning Organization whose
 3147 geographical boundaries include any county as defined in s.
 3148 125.011(1) must include an additional voting member appointed by
 3149 that city's governing body for each city with a population of
 3150 50,000 or more residents.

3151 Section 48. Subsection (1) of section 341.828, Florida
 3152 Statutes, is amended to read:

3153 341.828 Permitting.--

3154 (1) The authority, for the purposes of permitting, may
 3155 utilize one or more permitting processes provided for in
 3156 statute, including, but not limited to, the metropolitan
 3157 planning organization long-range transportation planning process
 3158 as defined in s. ~~339.175(6)~~ and (7) and (8), in conjunction with
 3159 the Department of Transportation's work program process as
 3160 defined in s. 339.135, or any permitting process now in effect

3161 or that may be in effect at the time of permitting and will
 3162 provide the most timely and cost-effective permitting process.

3163 Section 49. Section 334.30, Florida Statutes, is amended
 3164 to read:

3165 334.30 Public-private transportation facilities.--The
 3166 Legislature hereby finds and declares that there is a public
 3167 need for rapid construction of safe and efficient transportation
 3168 facilities for the purpose of travel within the state. It is the
 3169 intent of the Legislature to strengthen the state's
 3170 transportation system by providing the department with
 3171 innovative financing techniques, including, but not limited to,
 3172 public-private partnerships, toll facility leases, and user
 3173 fees. In response to increased congestion, population, and
 3174 market demands, and that it is in the public's interest to
 3175 provide for the construction of additional safe, convenient, and
 3176 economical transportation facilities.

3177 (1) The department may receive or solicit proposals and,
 3178 with legislative approval as evidenced by approval of the
 3179 project in the department's work program, enter into agreements
 3180 with private entities, or consortia thereof, for the building,
 3181 operation, ownership, or financing of transportation facilities.
 3182 The department may advance projects programmed in the adopted 5-
 3183 year work program or projects greater than \$500 million in the
 3184 10-year Strategic Intermodal System Plan using funds provided by
 3185 public-private partnerships or private entities to be reimbursed
 3186 from department funds for the project as programmed in the
 3187 adopted work program. The department shall by rule establish an
 3188 application fee for the submission of unsolicited proposals

3189 | under this section. The fee must be sufficient to pay the costs
 3190 | of evaluating the proposals. The department may engage the
 3191 | services of private consultants to assist in the evaluation.
 3192 | Before approval, the department must determine that the proposed
 3193 | project:

- 3194 | (a) Is in the public's best interest;
- 3195 | (b) Would not require state funds to be used unless the
 3196 | project is on the State Highway System; and
- 3197 | (c) Would have adequate safeguards in place to ensure that
 3198 | no additional costs or service disruptions would be realized by
 3199 | the traveling public and citizens of the state in the event of
 3200 | default or cancellation of the agreement by the department.

3201 |
 3202 | The department shall ensure that all reasonable costs to the
 3203 | state, related to transportation facilities that are not part of
 3204 | the State Highway System, are borne by the private entity. The
 3205 | department shall also ensure that all reasonable costs to the
 3206 | state and substantially affected local governments and
 3207 | utilities, related to the private transportation facility, are
 3208 | borne by the private entity for transportation facilities that
 3209 | are owned by private entities. For projects on the State Highway
 3210 | System, the department may use state resources to participate in
 3211 | funding and financing the project as provided for under the
 3212 | department's enabling legislation.

3213 | (2) Agreements entered into pursuant to this section may
 3214 | authorize the private entity to impose tolls or fares for the
 3215 | use of the facility. The following provisions shall apply to
 3216 | such agreements: ~~However, the amount and use of toll or fare~~

3217 ~~revenues shall be regulated by the department to avoid~~
3218 ~~unreasonable costs to users of the facility.~~

3219 (a) With the exception of the Florida Turnpike System, the
3220 department may lease existing toll facilities through public-
3221 private partnerships. If the agreement for leasing an existing
3222 toll facility does not include provisions for additional
3223 capacity, the project and the provisions of the agreement must
3224 be approved by the Legislature. The public-private partnership
3225 agreement must ensure that the toll facility is properly
3226 operated, maintained, and renewed in accordance with department
3227 standards.

3228 (b) The department may develop new toll facilities or
3229 increase capacity on existing toll facilities through public-
3230 private partnerships. The public-private partnership agreement
3231 must ensure that the toll facility is properly operated,
3232 maintained, and renewed in accordance with department standards.

3233 (c) The amount of toll or fare revenues shall be regulated
3234 by the department pursuant to s. 338.165(3). The regulations
3235 governing the future increase of toll or fare revenues shall be
3236 included in the public-private partnership agreement.

3237 (d) The department shall include provisions in the public-
3238 private partnership agreement that ensure a negotiated portion
3239 of revenues from tolled projects are returned to the department
3240 over the life of the public-private partnership agreement. In
3241 the case of a lease of an existing toll facility, the department
3242 shall receive a portion of funds upon closing on the agreements
3243 and shall also include provisions in the agreement to receive
3244 payment of a negotiated portion of revenues over the life of the

3245 public-private partnership.

3246 (e) The private entity shall provide an investment grade
3247 traffic and revenue study prepared by an internationally
3248 recognized traffic and revenue expert that is accepted by the
3249 national bond rating agencies. The private entity shall also
3250 provide a finance plan that identifies the project cost,
3251 revenues by source, financing, major assumptions, internal rate
3252 of return on private investments, and whether any government
3253 funds are assumed to deliver a cost feasible project, and a
3254 total cash flow analysis beginning with implementation of the
3255 project and extending for the term of the agreement. The amount
3256 of the toll or fares included in the provisions of agreements
3257 under this section shall be consistent with projections included
3258 in the study, plan, and analysis provided under this paragraph.
3259 Specific elements to be described shall include, but are not
3260 limited to, the following:

3261 1. The estimate of ridership and a forecast of annual toll
3262 revenues. The method of producing the estimates shall be
3263 described in sufficient detail to allow the projections to be
3264 verified. Assumptions used in the process shall be clearly
3265 indicated.

3266 2. Forecasts shall be provided of any additional sources
3267 of revenue anticipated from the proposed facility with clearly
3268 stated assumptions and data and methods used to develop the
3269 forecasts. Sources for revenue might include the receipts from
3270 advertising, station concessions, royalties, and licenses.

3271 3. The amount of associated real estate development and
3272 supplemental revenue sources that will be used to supplement

3273 operations.

3274 4. If subsidies will be required in the early years of a
 3275 facility's operation, the source, amount, how they are to be
 3276 used, and the years in which they will be needed shall be
 3277 specified. Appropriate contact information and supporting
 3278 documentation must be provided for each type of fund source for
 3279 analysis and review by the department.

3280 (3) Each private transportation facility constructed
 3281 pursuant to this section shall comply with all requirements of
 3282 federal, state, and local laws; state, regional, and local
 3283 comprehensive plans; department rules, policies, procedures, and
 3284 standards for transportation facilities; and any other
 3285 conditions which the department determines to be in the public's
 3286 best interest.

3287 (4) The department may exercise any power possessed by it,
 3288 including eminent domain, with respect to the development and
 3289 construction of state transportation projects to facilitate the
 3290 development and construction of transportation projects pursuant
 3291 to this section. The department may provide services to the
 3292 private entity. Agreements for maintenance, law enforcement, and
 3293 other services entered into pursuant to this section shall
 3294 provide for full reimbursement for services rendered for
 3295 projects not on the State Highway System.

3296 (5) Except as herein provided, the provisions of this
 3297 section are not intended to amend existing laws by granting
 3298 additional powers to, or further restricting, local governmental
 3299 entities from regulating and entering into cooperative
 3300 arrangements with the private sector for the planning,

3301 construction, and operation of transportation facilities.

3302 (6) The procurement of public-private partnerships by the
 3303 department shall follow the provisions of this section. Sections
 3304 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
 3305 337.185, 337.19, 337.221, and 337.251 shall not apply to
 3306 procurements under this section unless a provision is included
 3307 in the procurement documents. The department shall ensure that
 3308 generally accepted business practices for exemptions provided by
 3309 this subsection are part of the procurement process or are
 3310 included in the public-private partnership agreement.

3311 (a) The department may request proposals from private
 3312 entities for public-private transportation projects or, if the
 3313 department receives an unsolicited proposal, the department
 3314 shall publish a notice in the Florida Administrative Weekly and
 3315 a newspaper of general circulation at least once a week for 2
 3316 weeks stating that the department has received the proposal and
 3317 will accept, for 120 ~~60~~ days after the initial date of
 3318 publication, other proposals for the same project purpose. A
 3319 copy of the notice must be mailed to each local government in
 3320 the affected area.

3321 (b) Public-private partnerships shall be qualified by the
 3322 department as part of the procurement process as outlined in the
 3323 procurement documents, provided such process ensures that the
 3324 private firm meets at least the minimum department standards for
 3325 qualification in department rule for professional engineering
 3326 services and road and bridge contracting prior to submitting a
 3327 proposal under the procurement.

3328 (c) The department shall ensure that procurement documents

3329 include provisions for performance of the private entity and
 3330 payment of subcontractors, including, but not limited to, surety
 3331 bonds, letters of credit, parent company guarantees, and lender
 3332 and equity partner guarantees. The department shall balance the
 3333 structure of the security package for the public-private
 3334 partnership that ensures performance and payment of
 3335 subcontractors with the cost of the security to ensure the most
 3336 efficient pricing.

3337 (d) After the public notification period has expired, the
 3338 department shall rank the proposals in order of preference. In
 3339 ranking the proposals, the department may consider factors that
 3340 include, ~~including,~~ but are not limited to, professional
 3341 qualifications, general business terms, innovative engineering
 3342 or cost-reduction terms, finance plans, and the need for state
 3343 funds to deliver the project. If the department is not satisfied
 3344 with the results of the negotiations, the department may, at its
 3345 sole discretion, terminate negotiations with the proposer. If
 3346 these negotiations are unsuccessful, the department may go to
 3347 the second-ranked and lower-ranked firms, in order, using this
 3348 same procedure. If only one proposal is received, the department
 3349 may negotiate in good faith and, if the department is not
 3350 satisfied with the results of the negotiations, the department
 3351 may, at its sole discretion, terminate negotiations with the
 3352 proposer. Notwithstanding this subsection, the department may,
 3353 at its discretion, reject all proposals at any point in the
 3354 process up to completion of a contract with the proposer.

3355 (e) The department shall perform a cost-benefit, value-
 3356 for-money analysis of the proposed public-private partnership

3357 that demonstrates the cost-effectiveness and overall public
3358 benefit at the following times:

- 3359 1. Prior to moving forward with the procurement; and
3360 2. If the procurement moves forward, prior to awarding the
3361 contract.

3362 (7) The department may lend funds from the Toll Facilities
3363 Revolving Trust Fund, as outlined in s. 338.251, to private
3364 entities that construct projects on the State Highway System
3365 containing toll facilities that are approved under this section.
3366 To be eligible, a private entity must comply with s. 338.251 and
3367 must provide an indication from a nationally recognized rating
3368 agency that the senior bonds for the project will be investment
3369 grade, or must provide credit support such as a letter of credit
3370 or other means acceptable to the department, to ensure that the
3371 loans will be fully repaid. The state's liability for the
3372 funding of a facility is limited to the amount approved for that
3373 specific facility in the department's 5-year work program
3374 adopted pursuant to s. 339.135.

3375 (8) The department may use innovative finance techniques
3376 associated with a public-private partnership under this section,
3377 including, but not limited to, federal loans as provided in
3378 Title 23 and Title 49 of the Code of Federal Regulations,
3379 commercial bank loans, and hedges against inflation from
3380 commercial banks or other private sources.

3381 (9) The department may enter into public-private
3382 partnership agreements that include extended terms providing
3383 annual payments for performance based on the availability of
3384 service or the facility being open to traffic or based on the

3385 level of traffic using the facility. In addition to other
3386 provisions in this section, the following provisions shall
3387 apply:

3388 (a) The annual payments under such agreement shall be
3389 included in the department's tentative work program developed
3390 under s. 339.135 and the long-range transportation plan for the
3391 applicable metropolitan planning organization developed under s.
3392 339.175. The department shall ensure that annual payments on
3393 multiyear public-private partnership agreements are prioritized
3394 ahead of new capacity projects in the development and updating
3395 of the tentative work program.

3396 (b) The annual payments are subject to annual
3397 appropriation by the Legislature as provided in the General
3398 Appropriations Act in support of the first year of the tentative
3399 work program.

3400 (10) Prior to entering such agreement where funds are
3401 committed from the State Transportation Trust Fund, the project
3402 must be prioritized as follows:

3403 (a) The department, in coordination with the local
3404 metropolitan planning organization, shall prioritize projects
3405 included in the Strategic Intermodal System 10-year and long-
3406 range cost feasible plans.

3407 (b) The department, in coordination with the local
3408 metropolitan planning organization or local government where
3409 there is no metropolitan planning organization, shall prioritize
3410 projects, for facilities not on the Strategic Intermodal System,
3411 included in the metropolitan planning organization cost feasible
3412 transportation improvement plan and long-range transportation

3413 plan.

3414 (11) Public-private partnership agreements under this
 3415 section shall be limited to a term not exceeding 50 years. Upon
 3416 making written findings that an agreement under this section
 3417 requires a term in excess of 50 years, the secretary of the
 3418 department may authorize a term of up to 75 years. Agreements
 3419 under this section shall not have a term in excess of 75 years
 3420 unless specifically approved by the Legislature. The department
 3421 shall identify each new project under this section with a term
 3422 exceeding 75 years in the transmittal letter that accompanies
 3423 the submittal of the tentative work program to the Governor and
 3424 the Legislature in accordance with s. 339.135.

3425 (12) The department shall ensure that no more than 25
 3426 percent of total federal and state funding in any given year for
 3427 the State Transportation Trust Fund shall be obligated
 3428 collectively for all projects under this section.

3429 (13) Notwithstanding s. 338.165, any revenues returned to
 3430 the department pursuant to a public-private partnership
 3431 agreement under this section shall be used for capacity projects
 3432 as follows:

3433 (a) If the revenue-producing project is on the State
 3434 Highway System, notwithstanding s. 339.135(4)(a), any revenues
 3435 returned to the department pursuant to a public-private
 3436 partnership agreement shall be used for capacity improvements of
 3437 the State Highway System or up to 50 percent of the project cost
 3438 on public transit capital improvements authorized under Title 49
 3439 of the United States Code and specified in s. 341.051.

3440 (b) If the revenue-producing project is on the county road

3441 system, any revenues returned to the department pursuant to a
3442 public-private partnership agreement shall be used for capacity
3443 improvements of state or county roads or transit facilities
3444 within the county or counties in which the revenue-producing
3445 project is located.

3446 ~~(8) A fixed guideway transportation system authorized by~~
3447 ~~the department to be wholly or partially within the department's~~
3448 ~~right of way pursuant to a lease granted under s. 337.251 may~~
3449 ~~operate at any safe speed.~~

3450 Section 50. Section 338.165, Florida Statutes, is amended
3451 to read:

3452 338.165 Continuation of tolls.--

3453 (1) The department, any transportation or expressway
3454 authority or, in the absence of an authority, a county or
3455 counties may continue to collect the toll on a revenue-producing
3456 project after the discharge of any bond indebtedness related to
3457 such project and may increase such toll. All tolls so collected
3458 shall first be used to pay the annual cost of the operation,
3459 maintenance, and improvement of the toll project.

3460 (2) If the revenue-producing project is on the State
3461 Highway System, any remaining toll revenue shall be used for the
3462 construction, maintenance, or improvement of any road on the
3463 State Highway System within the county or counties in which the
3464 revenue-producing project is located, ~~except as provided in s.~~
3465 ~~348.0004.~~

3466 (3) Notwithstanding any other provision of law, the
3467 department or any transportation or expressway authority shall,
3468 at a minimum, index toll rates on existing toll facilities to

3469 the annual Consumer Price Index or similar inflation indicators.
 3470 Toll rate adjustments for inflation under this subsection may be
 3471 made no more frequently than once a year and must be made no
 3472 less frequently than once every 5 years as necessary to
 3473 accommodate cash toll rate schedules. Toll rates may be
 3474 increased beyond these limits as directed by bond documents,
 3475 covenants, or governing body authorization or pursuant to
 3476 department administrative rule.

3477 (4)~~(3)~~ Notwithstanding any other law to the contrary,
 3478 pursuant to s. 11, Art. VII of the State Constitution, and
 3479 subject to the requirements of subsection (2), the Department of
 3480 Transportation may request the Division of Bond Finance to issue
 3481 bonds secured by toll revenues collected on the Alligator Alley,
 3482 the Sunshine Skyway Bridge, the Beeline-East Expressway, the
 3483 Navarre Bridge, and the Pinellas Bayway to fund transportation
 3484 projects located within the county or counties in which the
 3485 project is located and contained in the adopted work program of
 3486 the department.

3487 (5)~~(4)~~ If the revenue-producing project is on the county
 3488 road system, any remaining toll revenue shall be used for the
 3489 construction, maintenance, or improvement of any other state or
 3490 county road within the county or counties in which the revenue-
 3491 producing project is located, ~~except as provided in s. 348.0004.~~

3492 (6)~~(5)~~ Selection of projects on the State Highway System
 3493 for construction, maintenance, or improvement with toll revenues
 3494 shall be, with the concurrence of the department, consistent
 3495 with the Florida Transportation Plan.

3496 (7)~~(6)~~ Notwithstanding the provisions of subsection (1),

3497 and not including high occupancy toll lanes or express lanes, no
 3498 tolls may be charged for use of an interstate highway where
 3499 tolls were not charged as of July 1, 1997.

3500 (8) ~~(7)~~ With the exception of subsection (3), this section
 3501 does not apply to the turnpike system as defined under the
 3502 Florida Turnpike Enterprise Law.

3503 Section 51. (1) FLORIDA EXPRESSWAY AUTHORITY ACT
 3504 REPEALED.--Part I of chapter 348, Florida Statutes, consisting
 3505 of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005,
 3506 348.0006, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, and
 3507 348.0012, is repealed.

3508 (2) EXPRESSWAY AUTHORITIES ABOLISHED.--Any expressway
 3509 authority created under part I of chapter 348, Florida Statutes,
 3510 is abolished.

3511 (3) EXPRESSWAY AUTHORITIES; TRANSFERS AND OPERATIONS.--

3512 (a) All powers, duties, functions, records, personnel,
 3513 property, and unexpended balances of allocations, trust funds,
 3514 and other funds of an expressway authority abolished by this
 3515 section are transferred to the Department of Transportation.

3516 (b) All legal authorities and actions of such expressway
 3517 authority, including, but not limited to, all pending and
 3518 completed action orders and rules, all enforcement matters, all
 3519 delegations, all interagency agreements, and all contracts with
 3520 federal, state, local, and regional governments and private
 3521 entities are transferred to the Department of Transportation.

3522 (4) DISTRIBUTION OF TOLLS COLLECTED.--Notwithstanding s.
 3523 339.135(4)(a)1., Florida Statutes, 100 percent of future toll
 3524 revenues received from the corridors previously owned and

3525 operated by an expressway authority abolished by this section,
 3526 less any operations and maintenance costs as determined by the
 3527 Department of Transportation, shall be distributed to the county
 3528 in which the toll was collected specifically for use on the
 3529 corridor from which it was collected.

3530 Section 52. Subsection (27) is added to section 479.01,
 3531 Florida Statutes, to read:

3532 479.01 Definitions.--As used in this chapter, the term:

3533 (27) "Wall mural" means a sign that is a painting or an
 3534 artistic work composed of photographs or arrangements of color
 3535 and that displays a commercial or noncommercial message, relies
 3536 solely on the side of the building for rigid structural support,
 3537 and is painted on the building or depicted on vinyl, fabric, or
 3538 other similarly flexible material that is held in place flush or
 3539 flat against the surface of the building. The term excludes a
 3540 painting or work placed on a structure that is erected for the
 3541 sole or primary purpose of signage.

3542 Section 53. Section 479.156, Florida Statutes, is created
 3543 to read:

3544 479.156 Wall murals.--Notwithstanding any other provision
 3545 of this chapter, a municipality or county may permit and
 3546 regulate wall murals within areas designated by such government.
 3547 If a municipality or county permits wall murals, a wall mural
 3548 that displays a commercial message and is within 660 feet of the
 3549 nearest edge of the right-of-way within an area adjacent to the
 3550 interstate highway system or the federal-aid primary highway
 3551 system must be located in an area that is zoned for industrial
 3552 or commercial use, and the municipality or county shall

3553 establish and enforce regulations for such areas that, at a
 3554 minimum, set forth criteria governing the size, lighting, and
 3555 spacing of wall murals consistent with the intent of the Highway
 3556 Beautification Act of 1965 and with customary use. A wall mural
 3557 that is subject to municipal or county regulation and the
 3558 Highway Beautification Act of 1965 must be approved by the
 3559 Department of Transportation and the Federal Highway
 3560 Administration and may not violate the agreement between the
 3561 state and the United States Department of Transportation or
 3562 violate federal regulations enforced by the Department of
 3563 Transportation under s. 479.02(1). The existence of a wall mural
 3564 as defined in s. 479.01(27) shall not be considered in
 3565 determining whether a sign as defined under s. 479.01(17),
 3566 either existing or new, is in compliance with s. 479.07(9)(a).

3567 Section 54. Section 2 of chapter 89-383, Laws of Florida,
 3568 is amended to read:

3569 Section 2. Red Road is hereby designated as a state
 3570 historic highway. No public funds shall be expended for:

3571 (1) The removal of any healthy tree which is not a safety
 3572 hazard.

3573 (2) Any alteration of the physical dimensions or location
 3574 of Red Road, the median strip thereof, the land adjacent
 3575 thereto, or any part of the original composition of the
 3576 entranceway, including the towers, the walls, and the lampposts.

3577 (3) Any construction on or along Red Road of any new
 3578 structure, or any building, clearing, filling, or excavating on
 3579 or along Red Road except for routine maintenance or alterations,
 3580 modifications, or improvements to it and the adjacent right-of-

3581 way made for the purpose of enhancing life safety for vehicular
3582 or pedestrian use of Red Road if the number of traffic lanes is
3583 not altered ~~work which is essential to the health, safety, or~~
3584 ~~welfare of the environment.~~

3585 Section 55. Department of Transportation study of
3586 transportation facilities providing access to Indian
3587 reservations; report and recommendations authorized.--

3588 (1) The Department of Transportation is directed to
3589 conduct a study of the impacts that legalized gambling and other
3590 activities on Indian reservation lands are having on public
3591 roads and other transportation facilities, regarding traffic
3592 congestion and other mobility issues, facility maintenance and
3593 repair costs, emergency evacuation readiness, costs of potential
3594 future widening or other improvements, and other impacts on the
3595 motoring, nongaming public.

3596 (2) The study shall include, but is not limited to, the
3597 following information:

3598 (a) A listing, description, and functional classification
3599 of the access roads to and from each Indian reservation in the
3600 state.

3601 (b) An identification of these access roads that either
3602 are scheduled for improvements within the department's 5-year
3603 Work Program, or are listed on the department's or a
3604 metropolitan planning organization's 20-year, long-range
3605 transportation plan.

3606 (c) The most recent traffic counts on the access roads and
3607 projected future usage, as well as any projections of impacts on
3608 secondary, feeder, or connector roads, interstate highway exit

3609 and entrance ramps, or other area transportation facilities.

3610 (d) The safety and maintenance ratings of each access road
 3611 and a detailed review of impacts on local and state emergency
 3612 management agencies to provide emergency or evacuation services.

3613 (e) The estimated infrastructure costs to maintain,
 3614 improve, or widen these access roads based on future projected
 3615 needs.

3616 (f) The feasibility of implementing tolls on these access
 3617 roads or, if already tolled, raising the toll to offset and
 3618 mitigate the impacts of traffic generated by Indian reservation
 3619 gaming activities on nontribal communities in the state and to
 3620 finance projected future improvements to the access roads.

3621 (3) The department shall present its findings and
 3622 recommendations in a report to be submitted to the Governor, the
 3623 President of the Senate, and the Speaker of the House of
 3624 Representatives by January 15, 2008. The report may include
 3625 department recommendations for proposed legislation.

3626 Section 56. Section 163.3182, Florida Statutes, is created
 3627 to read:

3628 163.3182 Transportation concurrency backlogs.--

3629 (1) DEFINITIONS.--For purposes of this section, the term:

3630 (a) "Transportation construction backlog area" means the
 3631 geographic area within the unincorporated portion of a county or
 3632 within the municipal boundary of a municipality designated in a
 3633 local government comprehensive plan for which a transportation
 3634 concurrency backlog authority is created pursuant to this
 3635 section.

3636 (b) "Authority" or "transportation concurrency backlog

3637 authority" means the governing body of a county or municipality
 3638 within which an authority is created.

3639 (c) "Governing body" means the council, commission, or
 3640 other legislative body charged with governing the county or
 3641 municipality within which a transportation concurrency backlog
 3642 authority is created pursuant to this section.

3643 (d) "Transportation concurrency backlog" means an
 3644 identified deficiency where the existing extent of traffic
 3645 volume exceeds the level of service standard adopted in a local
 3646 government comprehensive plan for a transportation facility.

3647 (e) "Transportation concurrency backlog plan" means the
 3648 plan adopted as part of a local government comprehensive plan by
 3649 the governing body of a county or municipality acting as a
 3650 transportation concurrency backlog authority.

3651 (f) "Transportation concurrency backlog project" means any
 3652 designated transportation project identified for construction
 3653 within the jurisdiction of a transportation construction backlog
 3654 authority.

3655 (g) "Debt service millage" means any millage levied
 3656 pursuant to s. 12, Art. VII of the State Constitution.

3657 (h) "Increment revenue" means the amount calculated
 3658 pursuant to subsection (5).

3659 (i) "Taxing authority" means a public body that levies or
 3660 is authorized to levy an ad valorem tax on real property located
 3661 within a transportation concurrency backlog area.

3662 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 3663 AUTHORITIES.--

3664 (a) A county or municipality may create a transportation

3665 concurrency backlog authority if it has an identified
 3666 transportation concurrency backlog.

3667 (b) Acting as the transportation concurrency backlog
 3668 authority within its jurisdictional boundary, the governing body
 3669 of a county or municipality shall adopt and implement a plan to
 3670 eliminate all identified transportation concurrency backlogs
 3671 within its jurisdiction using funds provided pursuant to
 3672 subsection (5) and as otherwise provided pursuant to this
 3673 section.

3674 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 3675 AUTHORITY.--Each transportation concurrency backlog authority
 3676 has the powers necessary or convenient to carry out the purposes
 3677 of this section, including the following powers in addition to
 3678 others granted in this section:

3679 (a) To make and execute contracts and other instruments
 3680 necessary or convenient to the exercise of its powers under this
 3681 section.

3682 (b) To undertake and carry out transportation concurrency
 3683 backlog projects for all transportation facilities that have a
 3684 concurrency backlog within the authority's jurisdiction.

3685 Concurrency backlog projects may include transportation
 3686 facilities that provide for alternative modes of travel
 3687 including sidewalks, bikeways, and mass transit which are
 3688 related to a backlogged transportation facility.

3689 (c) To invest any transportation concurrency backlog funds
 3690 held in reserve, sinking funds, or any such funds not required
 3691 for immediate disbursement in property or securities in which
 3692 savings banks may legally invest funds subject to the control of

3693 the authority and to redeem such bonds as have been issued
 3694 pursuant to this section at the redemption price established
 3695 therein, or to purchase such bonds at less than redemption
 3696 price. All such bonds redeemed or purchased shall be canceled.

3697 (d) To borrow money, apply for and accept advances, loans,
 3698 grants, contributions, and any other forms of financial
 3699 assistance from the Federal Government or the state, county, or
 3700 any other public body or from any sources, public or private,
 3701 for the purposes of this part, to give such security as may be
 3702 required, to enter into and carry out contracts or agreements,
 3703 and to include in any contracts for financial assistance with
 3704 the Federal Government for or with respect to a transportation
 3705 concurrency backlog project and related activities such
 3706 conditions imposed pursuant to federal laws as the
 3707 transportation concurrency backlog authority considers
 3708 reasonable and appropriate and which are not inconsistent with
 3709 the purposes of this section.

3710 (e) To make or have made all surveys and plans necessary
 3711 to the carrying out of the purposes of this section, to contract
 3712 with any persons, public or private, in making and carrying out
 3713 such plans, and to adopt, approve, modify, or amend such
 3714 transportation concurrency backlog plans.

3715 (f) To appropriate such funds and make such expenditures
 3716 as are necessary to carry out the purposes of this section, and
 3717 to enter into agreements with other public bodies, which
 3718 agreements may extend over any period notwithstanding any
 3719 provision or rule of law to the contrary.

3720 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3721 (a) Each transportation concurrency backlog authority
 3722 shall adopt a transportation concurrency backlog plan as a part
 3723 of the local government comprehensive plan within 6 months after
 3724 the creation of the authority. The plan shall:

3725 1. Identify all transportation facilities that have been
 3726 designated as deficient and require the expenditure of moneys to
 3727 upgrade, modify, or mitigate the deficiency.

3728 2. Include a priority listing of all transportation
 3729 facilities that have been designated as deficient and do not
 3730 satisfy concurrency requirements pursuant to s. 163.3180, and
 3731 the applicable local government comprehensive plan.

3732 3. Establish a schedule for financing and construction of
 3733 transportation concurrency backlog projects that will eliminate
 3734 transportation concurrency backlogs within the jurisdiction of
 3735 the authority within 10 years after the transportation
 3736 concurrency backlog plan adoption. The schedule shall be adopted
 3737 as part of the local government comprehensive plan.

3738 (b) The adoption of the transportation concurrency backlog
 3739 plan shall be exempt from the provisions of s. 163.3187(1).

3740 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
 3741 concurrency backlog authority shall establish a local
 3742 transportation concurrency backlog trust fund upon creation of
 3743 the authority. Each local trust fund shall be administered by
 3744 the transportation concurrency backlog authority within which a
 3745 transportation concurrency backlog has been identified.
 3746 Beginning in the first fiscal year after the creation of the
 3747 authority, each local trust fund shall be funded by the proceeds
 3748 of an ad valorem tax increment collected within each

3749 transportation concurrency backlog area to be determined
 3750 annually and shall be a minimum of an amount equal to 25 percent
 3751 of the difference between:

3752 (a) The amount of ad valorem tax levied each year by each
 3753 taxing authority, exclusive of any amount from any debt service
 3754 millage, on taxable real property contained within the
 3755 jurisdiction of the transportation concurrency backlog authority
 3756 and within the transportation backlog area; and

3757 (b) The amount of ad valorem taxes which would have been
 3758 produced by a rate upon which the tax is levied each year by or
 3759 for each taxing authority exclusive of any debt service millage
 3760 upon the total of the assessed value of the taxable real
 3761 property within the transportation concurrency backlog area as
 3762 shown on the most recent assessment roll used in connection with
 3763 the taxation of such property by each taxing authority.

3764 (6) EXEMPTIONS.--

3765 (a) The following public bodies or taxing authorities are
 3766 exempt from the provision of this section:

3767 1. A special district that levies ad valorem taxes on
 3768 taxable real property in more than one county.

3769 2. A special district for which the sole available source
 3770 of revenue is the authority to levy ad valorem taxes at the time
 3771 an ordinance is adopted under this section. However, revenues or
 3772 aid that may be dispensed or appropriated to a district as
 3773 defined in s. 388.011 at the discretion of an entity other than
 3774 such district shall not be deemed available.

3775 3. A library district.

3776 4. A neighborhood improvement district created under the

3777 Safe Neighborhoods Act.
 3778 5. A metropolitan transportation authority.
 3779 6. A water management district created under s. 373.069.
 3780 (b) A transportation concurrency exemption authority may
 3781 also exempt from this section a special district that levies ad
 3782 valorem taxes within the transportation concurrency backlog area
 3783 pursuant to s. 163.387(2)(d).
 3784 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
 3785 adoption of a transportation concurrency backlog plan as a part
 3786 of the local government comprehensive plan, and the plan going
 3787 into effect, the area subject to the plan shall be deemed to
 3788 have achieved and maintained transportation level of service
 3789 standards, and to have met requirements for financial
 3790 feasibility for transportation facilities, and for the purpose
 3791 of proposed development transportation concurrency has been
 3792 satisfied. Proportionate fair share mitigation shall be limited
 3793 to ensure that a development inside a transportation concurrency
 3794 backlog area is not responsible for the additional costs of
 3795 eliminating backlogs.
 3796 (8) DISSOLUTION.--Upon completion of all transportation
 3797 concurrency backlog projects, a transportation concurrency
 3798 backlog authority shall be dissolved and its assets and
 3799 liabilities shall be transferred to the county or municipality
 3800 within which the authority is located. All remaining assets of
 3801 the authority must be used for implementation of transportation
 3802 projects within the jurisdiction of the authority. The local
 3803 government comprehensive plan shall be amended to remove the
 3804 transportation concurrency backlog plan.

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Section 57. This act shall take effect July 1, 2007.