

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; providing that the salary and benefits of the
4 executive director of the Florida Transportation
5 Commission shall be set in accordance with the Senior
6 Management Service; revising qualifications for district
7 secretaries and the turnpike executive director; amending
8 s. 112.061, F.S.; authorizing metropolitan planning
9 organizations and certain separate entities to establish
10 per diem and travel reimbursement rates; amending s.
11 121.021, F.S.; defining the term "metropolitan planning
12 organization" for purposes of the Florida Retirement
13 System Act; revising definitions to include M.P.O.'s and
14 positions in M.P.O.'s; amending s. 121.051, F.S.;
15 providing for M.P.O.'s to participate in the Florida
16 Retirement System; amending s. 121.055, F.S.; requiring
17 certain M.P.O. staff positions to be in the Senior
18 Management Service Class; amending s. 121.061, F.S.;
19 providing for enforcement of certain employer funding
20 contributions required under the Florida Retirement
21 System; authorizing deductions of amounts owed from
22 certain funds distributed to an M.P.O.; authorizing the
23 governing body of an M.P.O. to file and maintain an action
24 in court to require an employer to remit retirement or
25 social security member contributions or employer matching
26 payments; amending s. 121.081, F.S.; providing for M.P.O.
27 officers and staff to claim credit for past service for
28 retirement benefits; amending s. 215.615, F.S.; revising

29 | the Department of Transportation's requirement to share
30 | certain costs of fixed-guideway system projects; revising
31 | criteria for an interlocal agreement to establish bond
32 | financing for fixed-guideway system projects; revising
33 | provisions for sources of funds for the payment of bonds;
34 | amending s. 316.605, F.S.; providing height and placement
35 | requirements for vehicle license plates; prohibiting
36 | display that obscures identification of the letters and
37 | numbers on a license plate; providing penalties; amending
38 | s. 316.650, F.S.; revising procedures for disposition of
39 | citations issued for failure to pay toll; providing that
40 | the citation will not be submitted to the court and no
41 | points will be assessed on the driver's license if the
42 | person cited elects to make payment directly to the
43 | governmental entity that issued the citation; providing
44 | for reporting of the citation by the governmental entity
45 | to the Department of Highway Safety and Motor Vehicles;
46 | amending s. 318.14, F.S.; providing for the amount
47 | required to be paid under certain procedures for
48 | disposition of a citation issued for failure to pay toll;
49 | providing for the person cited to request a court hearing;
50 | amending s. 318.18, F.S.; revising penalties for failure
51 | to pay a prescribed toll; providing for disposition of
52 | amounts received by the clerk of court; removing
53 | procedures for withholding of adjudication; providing for
54 | suspension of a driver's license under certain
55 | circumstances; amending s. 320.061, F.S.; prohibiting
56 | interfering with the legibility, angular visibility, or

57 | detectability of any feature or detail on a license plate
58 | or interfering with the ability to photograph or otherwise
59 | record any feature or detail on a license plate;
60 | prohibiting the advertising, sale, distribution, purchase,
61 | or use of any product made for such purpose; providing
62 | penalties; providing for a law enforcement officer to
63 | issue a citation and confiscate a cover or other device
64 | obstructing the visibility or electronic image recording
65 | of a plate or to confiscate a license plate physically
66 | treated with a substance or material that is obstructing
67 | the visibility or electronic image recording of the plate;
68 | requiring the Department of Highway Safety and Motor
69 | Vehicles to revoke the registration of a plate so altered;
70 | providing for the Attorney General to file suit against
71 | any entity offering or marketing a product advertised as
72 | having the capacity to obstruct the visibility or
73 | electronic image recording of a license plate; amending s.
74 | 332.007, F.S.; authorizing the Department of
75 | Transportation to provide funds for certain general
76 | aviation projects under certain circumstances; extending
77 | the timeframe that the department is authorized to provide
78 | operational and maintenance assistance to certain airports
79 | and may redirect the use of certain funds to security-
80 | related or economic-impact projects related to the events
81 | of September 11, 2001; amending s. 336.025, F.S.; deleting
82 | a prohibition against local governments issuing certain
83 | bonds secured by revenues from local option fuel taxes
84 | more than once a year; amending s. 337.11, F.S.; providing

85 that certain construction projects be advertised for bids
86 in local newspapers; amending s. 337.14, F.S.; authorizing
87 the department to waive specified prequalification
88 requirements for certain transportation projects under
89 certain conditions; amending s. 337.18, F.S.; revising
90 surety bond requirements for construction or maintenance
91 contracts; providing for incremental annual surety bonds
92 for multiyear maintenance contracts under certain
93 conditions; revising the threshold for transportation
94 projects eligible for a waiver of surety bond
95 requirements; authorizing the department to provide for
96 phased surety bond coverage or an alternate means of
97 security for a portion of the contract amount in lieu of
98 the surety bond; amending s. 338.161, F.S.; providing for
99 the Department of Transportation and certain toll agencies
100 to enter into agreements with public or private entities
101 for additional uses of electronic toll collection products
102 and services; authorizing feasibility studies by the
103 department or a toll agency of additional uses of
104 electronic toll devices for legislative consideration;
105 amending s. 338.2275, F.S.; raising the limit on
106 outstanding bonds to fund turnpike projects; amending s.
107 339.175, F.S.; revising intent; providing the method of
108 creation and operation of M.P.O.'s required to be
109 designated pursuant to federal law; specifying that an
110 M.P.O. is separate from the state or the governing body of
111 a local government that is represented on the governing
112 board of the M.P.O. or that is a signatory to the

113 interlocal agreement creating the M.P.O.; providing
114 specified powers and privileges to the M.P.O.; providing
115 for the designation and duties of certain officials;
116 revising requirements for voting membership; defining the
117 term "elected officials of a general-purpose local
118 government" to exclude certain constitutional officers for
119 voting membership purposes; providing for the appointment
120 of alternates and advisers; providing that members of an
121 M.P.O. technical advisory committee shall serve at the
122 pleasure of the M.P.O.; providing for the appointment of
123 an executive or staff director and other personnel;
124 authorizing an M.P.O. to enter into contracts with public
125 or private entities to accomplish its duties and
126 functions; providing for the training of certain persons
127 who serve on an M.P.O. for certain purposes; requiring
128 that certain plans, programs, and amendments that affect
129 projects be approved by each M.P.O. on a recorded roll
130 call vote, or hand-counted vote, of a majority of the
131 membership present; amending s. 339.2819, F.S.; revising
132 the share of matching funds for a public transportation
133 project provided from the Transportation Regional
134 Incentive Program; amending s. 339.55, F.S.; providing for
135 the use of State Infrastructure Bank loans for certain
136 damaged transportation facilities in areas officially
137 declared to be in a state of emergency; providing
138 criteria; amending s. 343.81, F.S.; prohibiting elected
139 officials from serving on the Northwest Florida
140 Transportation Corridor Authority; providing for

141 application of the prohibition to apply to persons
142 appointed to serve on the authority after a certain date;
143 amending s. 343.82, F.S.; directing the authority to plan
144 for and study the feasibility of constructing, operating,
145 and maintaining a bridge or bridges, and appurtenant
146 structures, spanning Choctawhatchee Bay or Santa Rosa
147 Sound; authorizing the authority to construct, operate,
148 and maintain said bridges and structures; amending s.
149 348.0004, F.S.; authorizing certain transportation-related
150 authorities to enter into agreements with private entities
151 for the building, operation, ownership, or financing of
152 transportation facilities; amending s. 348.0012, F.S.;
153 revising provisions for certain exemptions from the
154 Florida Expressway Authority Act; amending s. 348.754,
155 F.S.; authorizing the Orlando-Orange County Expressway
156 Authority to waive payment and performance bonds on
157 certain construction contracts if the contract is awarded
158 pursuant to an economic development program for the
159 encouragement of local small businesses; providing
160 criteria for participation in the program; providing
161 criteria for the bond waiver; providing for certain
162 determinations by the authority's executive director or a
163 designee as to the suitability of a project; providing for
164 certain payment obligations if a payment and performance
165 bond is waived; requiring the authority to record notice
166 of the obligation; limiting eligibility to bid on the
167 projects; providing for the authority to conduct bond
168 eligibility training for certain businesses; requiring the

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169 authority to submit biennial reports to the Orange County
 170 legislative delegation; amending ss. 163.3177, 339.176,
 171 and 341.828, F.S.; correcting cross-references; amending
 172 s.2, ch. 89-383, Laws of Florida; providing for certain
 173 alterations to and along Red Road in Miami-Dade County for
 174 transportation safety purposes; providing an effective
 175 date.

176

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

178

179 Section 1. Paragraph (h) of subsection (2) and paragraph
 180 (a) of subsection (4) of section 20.23, Florida Statutes, are
 181 amended to read:

182 20.23 Department of Transportation.--There is created a
 183 Department of Transportation which shall be a decentralized
 184 agency.

185 (2)

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

197 benefits of the executive director shall be set in accordance
 198 with the Senior Management Service. The commission shall have
 199 complete authority for fixing the salary of the executive
 200 director and assistant executive director.

201 (4) (a) The operations of the department shall be organized
 202 into seven districts, each headed by a district secretary and a
 203 turnpike enterprise, headed by an executive director. The
 204 district secretaries and the turnpike executive director shall
 205 be registered professional engineers in accordance with the
 206 provisions of chapter 471 or, in lieu of professional engineer
 207 registration, a district secretary or turnpike executive
 208 director may hold an advanced degree in an appropriate related
 209 discipline, such as a Master of Business Administration, or may
 210 have a minimum of 5 years of senior-level business managerial
 211 experience. The headquarters of the districts shall be located
 212 in Polk, Columbia, Washington, Broward, Volusia, Dade, and
 213 Hillsborough Counties. The headquarters of the turnpike
 214 enterprise shall be located in Orange County. In order to
 215 provide for efficient operations and to expedite the
 216 decisionmaking process, the department shall provide for maximum
 217 decentralization to the districts.

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

220 112.061 Per diem and travel expenses of public officers,
 221 employees, and authorized persons.--

222 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 223 SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 224 ORGANIZATIONS.--

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225 (a) The following entities may establish rates that vary
226 from the per diem rate provided in paragraph (6)(a), the
227 subsistence rates provided in paragraph (6)(b), or the mileage
228 rate provided in paragraph (7)(d) if those rates are not less
229 than the statutorily established rates that are in effect for
230 the 2005-2006 fiscal year:

231 1. The governing body of a county by the enactment of an
232 ordinance or resolution;

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

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

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

241 5. Any metropolitan planning organization created pursuant
242 to s. 339.175 or any other separate legal or administrative
243 entity created pursuant to s. 339.175 of which a metropolitan
244 planning organization is a member, by the enactment of a
245 resolution.

246 (b) Rates established pursuant to paragraph (a) must apply
247 uniformly to all travel by the county, county constitutional
248 officer and entity governed by that officer, district school
249 board, ~~or special district,~~ or metropolitan planning
250 organization.

251 (c) Except as otherwise provided in this subsection,
252 counties, county constitutional officers and entities governed

253 | by those officers, district school boards, ~~and~~ special
 254 | districts, and metropolitan planning organizations, other than
 255 | those subject to s. 166.021(10), remain subject to the
 256 | requirements of this section.

257 | Section 3. Subsection (11), paragraph (a) of subsection
 258 | (42), and paragraph (b) of subsection (52) of section 121.021,
 259 | Florida Statutes, are amended, and subsection (62) is added to
 260 | that section, to read:

261 | 121.021 Definitions.--The following words and phrases as
 262 | used in this chapter have the respective meanings set forth
 263 | unless a different meaning is plainly required by the context:

264 | (11) "Officer or employee" means any person receiving
 265 | salary payments for work performed in a regularly established
 266 | position and, if employed by a city, a metropolitan planning
 267 | organization, or a special district, employed in a covered
 268 | group.

269 | (42) (a) "Local agency employer" means the board of county
 270 | commissioners or other legislative governing body of a county,
 271 | however styled, including that of a consolidated or metropolitan
 272 | government; a clerk of the circuit court, sheriff, property
 273 | appraiser, tax collector, or supervisor of elections, provided
 274 | such officer is elected or has been appointed to fill a vacancy
 275 | in an elective office; a community college board of trustees or
 276 | district school board; or the governing body of any city,
 277 | metropolitan planning organization created pursuant to s.
 278 | 339.175 or any other separate legal or administrative entity
 279 | created pursuant to s. 339.175, or special district of the state
 280 | which participates in the system for the benefit of certain of

281 its employees.

282 (52) "Regularly established position" is defined as
 283 follows:

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

289 (62) "Metropolitan planning organization" means an entity
 290 created by an interlocal agreement pursuant to s. 339.175 or any
 291 other entity created pursuant to s. 339.175.

292 Section 4. Paragraph (b) of subsection (2) of section
 293 121.051, Florida Statutes, is amended to read:

294 121.051 Participation in the system.--

295 (2) OPTIONAL PARTICIPATION.--

296 (b)1. The governing body of any municipality, metropolitan
 297 planning organization, or special district in the state may
 298 elect to participate in the system upon proper application to
 299 the administrator and may cover all or any of its units as
 300 approved by the Secretary of Health and Human Services and the
 301 administrator. The department shall adopt rules establishing
 302 provisions for the submission of documents necessary for such
 303 application. Prior to being approved for participation in the
 304 Florida Retirement System, the governing body of any such
 305 municipality, metropolitan planning organization, or special
 306 district that has a local retirement system shall submit to the
 307 administrator a certified financial statement showing the
 308 condition of the local retirement system as of a date within 3

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309 months prior to the proposed effective date of membership in the
310 Florida Retirement System. The statement must be certified by a
311 recognized accounting firm that is independent of the local
312 retirement system. All required documents necessary for
313 extending Florida Retirement System coverage must be received by
314 the department for consideration at least 15 days prior to the
315 proposed effective date of coverage. If the municipality,
316 metropolitan planning organization, or special district does not
317 comply with this requirement, the department may require that
318 the effective date of coverage be changed.

319 2. Any city, metropolitan planning organization, or
320 special district that has an existing retirement system covering
321 the employees in the units that are to be brought under the
322 Florida Retirement System may participate only after holding a
323 referendum in which all employees in the affected units have the
324 right to participate. Only those employees electing coverage
325 under the Florida Retirement System by affirmative vote in said
326 referendum shall be eligible for coverage under this chapter,
327 and those not participating or electing not to be covered by the
328 Florida Retirement System shall remain in their present systems
329 and shall not be eligible for coverage under this chapter. After
330 the referendum is held, all future employees shall be compulsory
331 members of the Florida Retirement System.

332 3. The governing body of any city, metropolitan planning
333 organization, or special district complying with subparagraph 1.
334 may elect to provide, or not provide, benefits based on past
335 service of officers and employees as described in s. 121.081(1).
336 However, if such employer elects to provide past service

337 benefits, such benefits must be provided for all officers and
338 employees of its covered group.

339 4. Once this election is made and approved it may not be
340 revoked, except pursuant to subparagraphs 5. and 6., and all
341 present officers and employees electing coverage under this
342 chapter and all future officers and employees shall be
343 compulsory members of the Florida Retirement System.

344 5. Subject to the conditions set forth in subparagraph 6.,
345 the governing body of any hospital licensed under chapter 395
346 which is governed by the board of a special district as defined
347 in s. 189.403(1) or by the board of trustees of a public health
348 trust created under s. 154.07, hereinafter referred to as
349 "hospital district," and which participates in the system, may
350 elect to cease participation in the system with regard to future
351 employees in accordance with the following procedure:

352 a. No more than 30 days and at least 7 days before
353 adopting a resolution to partially withdraw from the Florida
354 Retirement System and establish an alternative retirement plan
355 for future employees, a public hearing must be held on the
356 proposed withdrawal and proposed alternative plan.

357 b. From 7 to 15 days before such hearing, notice of intent
358 to withdraw, specifying the time and place of the hearing, must
359 be provided in writing to employees of the hospital district
360 proposing partial withdrawal and must be published in a
361 newspaper of general circulation in the area affected, as
362 provided by ss. 50.011-50.031. Proof of publication of such
363 notice shall be submitted to the Department of Management
364 Services.

365 c. The governing body of any hospital district seeking to
366 partially withdraw from the system must, before such hearing,
367 have an actuarial report prepared and certified by an enrolled
368 actuary, as defined in s. 112.625(3), illustrating the cost to
369 the hospital district of providing, through the retirement plan
370 that the hospital district is to adopt, benefits for new
371 employees comparable to those provided under the Florida
372 Retirement System.

373 d. Upon meeting all applicable requirements of this
374 subparagraph, and subject to the conditions set forth in
375 subparagraph 6., partial withdrawal from the system and adoption
376 of the alternative retirement plan may be accomplished by
377 resolution duly adopted by the hospital district board. The
378 hospital district board must provide written notice of such
379 withdrawal to the division by mailing a copy of the resolution
380 to the division, postmarked no later than December 15, 1995. The
381 withdrawal shall take effect January 1, 1996.

382 6. Following the adoption of a resolution under sub-
383 subparagraph 5.d., all employees of the withdrawing hospital
384 district who were participants in the Florida Retirement System
385 prior to January 1, 1996, shall remain as participants in the
386 system for as long as they are employees of the hospital
387 district, and all rights, duties, and obligations between the
388 hospital district, the system, and the employees shall remain in
389 full force and effect. Any employee who is hired or appointed on
390 or after January 1, 1996, may not participate in the Florida
391 Retirement System, and the withdrawing hospital district shall
392 have no obligation to the system with respect to such employees.

393 Section 5. Paragraph (1) is added to subsection (1) of
 394 section 121.055, Florida Statutes, to read:

395 121.055 Senior Management Service Class.--There is hereby
 396 established a separate class of membership within the Florida
 397 Retirement System to be known as the "Senior Management Service
 398 Class," which shall become effective February 1, 1987.

399 (1)

400 (1) For each metropolitan planning organization that has
 401 opted to become part of the Florida Retirement System,
 402 participation in the Senior Management Service Class shall be
 403 compulsory for the executive director or staff director of that
 404 metropolitan planning organization.

405 Section 6. Paragraphs (a) and (c) of subsection (2) of
 406 section 121.061, Florida Statutes, are amended to read:

407 121.061 Funding.--

408 (2) (a) Should any employer other than a state employer
 409 fail to make the retirement and social security contributions,
 410 both member and employer contributions, required by this
 411 chapter, then, upon request by the administrator, the Department
 412 of Revenue or the Department of Financial Services, as the case
 413 may be, shall deduct the amount owed by the employer from any
 414 funds to be distributed by it to the county, city, metropolitan
 415 planning organization, special district, or consolidated form of
 416 government. The amounts so deducted shall be transferred to the
 417 administrator for further distribution to the trust funds in
 418 accordance with this chapter.

419 (c) The governing body of each county, city, metropolitan
 420 planning organization, special district, or consolidated form of

421 government participating under this chapter or the
422 administrator, acting individually or jointly, is hereby
423 authorized to file and maintain an action in the courts of the
424 state to require any employer to remit any retirement or social
425 security member contributions or employer matching payments due
426 the retirement or social security trust funds under the
427 provisions of this chapter.

428 Section 7. Paragraphs (a), (b), and (e) of subsection (1)
429 of section 121.081, Florida Statutes, are amended to read:

430 121.081 Past service; prior service;
431 contributions.--Conditions under which past service or prior
432 service may be claimed and credited are:

433 (1) (a) Past service, as defined in s. 121.021(18), may be
434 claimed as creditable service by officers or employees of a
435 city, metropolitan planning organization, or special district
436 that become a covered group under this system. The governing
437 body of a covered group in compliance with s. 121.051(2)(b) may
438 elect to provide benefits with respect to past service earned
439 prior to January 1, 1975, in accordance with this chapter, and
440 the cost for such past service shall be established by applying
441 the following formula: The member contribution for both regular
442 and special risk members shall be 4 percent of the gross annual
443 salary for each year of past service claimed, plus 4-percent
444 employer matching contribution, plus 4 percent interest thereon
445 compounded annually, figured on each year of past service, with
446 interest compounded from date of annual salary earned until July
447 1, 1975, and 6.5 percent interest compounded annually thereafter
448 until date of payment. Once the total cost for a member has been

449 figured to date, then after July 1, 1975, 6.5 percent compounded
450 interest shall be added each June 30 thereafter on any unpaid
451 balance until the cost of such past service liability is paid in
452 full. The following formula shall be used in calculating past
453 service earned prior to January 1, 1975: (Annual gross salary
454 multiplied by 8 percent) multiplied by the 4 percent or 6.5
455 percent compound interest table factor, as may be applicable.
456 The resulting product equals cost to date for each particular
457 year of past service.

458 (b) Past service earned after January 1, 1975, may be
459 claimed by officers or employees of a city, metropolitan
460 planning organization, or special district that becomes a
461 covered group under this system. The governing body of a covered
462 group may elect to provide benefits with respect to past service
463 earned after January 1, 1975, in accordance with this chapter,
464 and the cost for such past service shall be established by
465 applying the following formula: The employer shall contribute an
466 amount equal to the contribution rate in effect at the time the
467 service was earned, multiplied by the employee's gross salary
468 for each year of past service claimed, plus 6.5 percent interest
469 thereon, compounded annually, figured on each year of past
470 service, with interest compounded from date of annual salary
471 earned until date of payment.

472 (e) Past service, as defined in s. 121.021(18), may be
473 claimed as creditable service by a member of the Florida
474 Retirement System who formerly was an officer or employee of a
475 city, metropolitan planning organization, or special district,
476 notwithstanding the status or form of the retirement system, if

477 any, of that city, metropolitan planning organization, or
 478 special district and irrespective of whether officers or
 479 employees of that city, metropolitan planning organization, or
 480 special district now or hereafter become a covered group under
 481 the Florida Retirement System. Such member may claim creditable
 482 service and be entitled to the benefits accruing to the regular
 483 class of members as provided for the past service claimed under
 484 this paragraph by paying into the retirement trust fund an
 485 amount equal to the total actuarial cost of providing the
 486 additional benefit resulting from such past-service credit,
 487 discounted by the applicable actuarial factors to date of
 488 retirement.

489 Section 8. Subsection (1) of section 215.615, Florida
 490 Statutes, is amended to read:

491 215.615 Fixed-guideway transportation systems funding.--

492 (1) The issuance of revenue bonds by the Division of Bond
 493 Finance, on behalf of the Department of Transportation, pursuant
 494 to s. 11, Art. VII of the State Constitution, is authorized,
 495 pursuant to the State Bond Act, to finance or refinance fixed
 496 capital expenditures for fixed-guideway transportation systems,
 497 as defined in s. 341.031, including facilities appurtenant
 498 thereto, costs of issuance, and other amounts relating to such
 499 financing or refinancing. ~~Such revenue bonds shall be matched on~~
 500 ~~a 50-50 basis with funds from sources other than revenues of the~~
 501 ~~Department of Transportation, in a manner acceptable to the~~
 502 ~~Department of Transportation.~~ The Division of Bond Finance is
 503 authorized to consider innovative financing techniques,
 504 ~~technologies~~ which may include, but are not limited to,

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505 innovative bidding and structures of potential financings
506 ~~findings~~ that may result in negotiated transactions. The
507 following conditions apply to the issuance of revenue bonds for
508 fixed-guideway transportation systems:

509 (a) The department and any participating commuter rail
510 authority or regional transportation authority established under
511 chapter 343, local governments, or local governments
512 collectively by interlocal agreement having jurisdiction of a
513 fixed-guideway transportation system may enter into an
514 interlocal agreement to promote the efficient and cost-effective
515 financing or refinancing of fixed-guideway transportation system
516 projects by revenue bonds issued pursuant to this subsection.
517 The terms of such interlocal agreements shall include provisions
518 for the Department of Transportation to request the issuance of
519 the bonds on behalf of the parties; shall provide that after
520 reimbursement pursuant to interlocal agreement, the department's
521 share may be up to 50 percent of the eligible project cost,
522 which may include a share of annual ~~each party to the agreement~~
523 ~~is contractually liable for an equal share of funding an amount~~
524 ~~equal to the debt service requirements of such bonds; and shall~~
525 include any other terms, provisions, or covenants necessary to
526 the making of and full performance under such interlocal
527 agreement. Repayments made to the department under any
528 interlocal agreement are not pledged to the repayment of bonds
529 issued hereunder, and failure of the local governmental
530 authority to make such payment shall not affect the obligation
531 of the department to pay debt service on the bonds.

532 (b) Revenue bonds issued pursuant to this subsection shall

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533 not constitute a general obligation of, or a pledge of the full
534 faith and credit of, the State of Florida. Bonds issued pursuant
535 to this section shall be payable from funds available pursuant
536 to s. 206.46(3), or other funds available to the project,
537 subject to annual appropriation. The amount of revenues
538 available for debt service shall never exceed a maximum of 2
539 percent of all state revenues deposited into the State
540 Transportation Trust Fund.

541 (c) The projects to be financed or refinanced with the
542 proceeds of the revenue bonds issued hereunder are designated as
543 state fixed capital outlay projects for purposes of s. 11(d),
544 Art. VII of the State Constitution, and the specific projects to
545 be financed or refinanced shall be determined by the Department
546 of Transportation in accordance with state law and
547 appropriations from the State Transportation Trust Fund. Each
548 project to be financed with the proceeds of the bonds issued
549 pursuant to this subsection must first be approved by the
550 Legislature by an act of general law.

551 (d) Any complaint for validation of bonds issued pursuant
552 to this section shall be filed in the circuit court of the
553 county where the seat of state government is situated, the
554 notice required to be published by s. 75.06 shall be published
555 only in the county where the complaint is filed, and the
556 complaint and order of the circuit court shall be served only on
557 the state attorney of the circuit in which the action is
558 pending.

559 (e) The state does hereby covenant with holders of such
560 revenue bonds or other instruments of indebtedness issued

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561 hereunder, that it will not repeal or impair or amend these
 562 provisions in any manner that will materially and adversely
 563 affect the rights of such holders as long as bonds authorized by
 564 this subsection are outstanding.

565 (f) This subsection supersedes any inconsistent provisions
 566 in existing law.

567
 568 Notwithstanding this subsection, the lien of revenue bonds
 569 issued pursuant to this subsection on moneys deposited into the
 570 State Transportation Trust Fund shall be subordinate to the lien
 571 on such moneys of bonds issued under ss. 215.605, 320.20, and
 572 215.616, and any pledge of such moneys to pay operating and
 573 maintenance expenses under s. 206.46(5) and chapter 348, as may
 574 be amended.

575 Section 9. Subsection (1) of section 316.605, Florida
 576 Statutes, is amended to read:

577 316.605 Licensing of vehicles.--

578 (1) Every vehicle, at all times while driven, stopped, or
 579 parked upon any highways, roads, or streets of this state, shall
 580 be licensed in the name of the owner thereof in accordance with
 581 the laws of this state unless such vehicle is not required by
 582 the laws of this state to be licensed in this state and shall,
 583 except as otherwise provided in s. 320.0706 for front-end
 584 registration license plates on truck tractors and s. 320.086(5)
 585 which exempts display of license plates on described former
 586 military vehicles, display the license plate or both of the
 587 license plates assigned to it by the state, one on the rear and,
 588 if two, the other on the front of the vehicle, each to be

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589 securely fastened to the vehicle outside the main body of the
590 vehicle not higher than 60 inches and not lower than 12 inches
591 from the ground and in such manner as to prevent the plates from
592 swinging, and all letters, numerals, printing, writing, and
593 other identification marks upon the plates regarding the word
594 "Florida," the registration decal, and the alphanumeric
595 designation shall be clear and distinct and free from
596 defacement, mutilation, grease, and other obscuring matter, so
597 that they will be plainly visible and legible at all times 100
598 feet from the rear or front. Vehicle license plates shall be
599 affixed and displayed in such a manner that the letters and
600 numerals shall be read from left to right parallel to the
601 ground. No vehicle license plate may be displayed in an inverted
602 or reversed position or in such a manner that the letters and
603 numbers and their proper sequence are not readily identifiable.
604 Nothing shall be placed upon the face of a Florida plate except
605 as permitted by law or by rule or regulation of a governmental
606 agency. No license plates other than those furnished by the
607 state shall be used. However, if the vehicle is not required to
608 be licensed in this state, the license plates on such vehicle
609 issued by another state, by a territory, possession, or district
610 of the United States, or by a foreign country, substantially
611 complying with the provisions hereof, shall be considered as
612 complying with this chapter. A violation of this subsection is a
613 noncriminal traffic infraction, punishable as a nonmoving
614 violation as provided in chapter 318.

615 Section 10. Paragraph (b) of subsection (3) of section
616 316.650, Florida Statutes, is amended to read:

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617 316.650 Traffic citations.--
 618 (3)
 619 (b) If a traffic citation is issued pursuant to s.
 620 316.1001, a traffic enforcement officer may deposit the original
 621 and one copy of such traffic citation or, in the case of a
 622 traffic enforcement agency that has an automated citation
 623 system, may provide an electronic facsimile with a court having
 624 jurisdiction over the alleged offense or with its traffic
 625 violations bureau within 45 days after the date of issuance of
 626 the citation to the violator. If the person cited for the
 627 violation of s. 316.1001 makes the election provided by s.
 628 318.14(12) and pays the fine imposed by the toll authority plus
 629 the amount of the unpaid toll that is shown on the traffic
 630 citation directly to the governmental entity that issued the
 631 citation in accordance with s. 318.14(12), the traffic citation
 632 will not be submitted to the court, the disposition will be
 633 reported to the department by the governmental entity that
 634 issued the citation, and no points will be assessed against the
 635 person's driver's license.

636 Section 11. Subsection (12) of section 318.14, Florida
 637 Statutes, is amended to read:

638 318.14 Noncriminal traffic infractions; exception;
 639 procedures.--

640 (12) Any person cited for a violation of s. 316.1001 may,
 641 in lieu of making an election as set forth in subsection (4) or
 642 s. 318.18(7), elect to pay a his or her fine of \$25, or such
 643 other amount as imposed by the toll authority, plus the amount
 644 of the unpaid toll that is shown on the traffic citation

645 directly to the governmental entity that issued the citation,
 646 within 30 days after the date of issuance of the citation. Any
 647 person cited for a violation of s. 316.1001 who does not elect
 648 to pay the fine imposed by the toll authority plus the amount of
 649 the unpaid toll that is shown on the traffic citation directly
 650 to the governmental entity that issued the citation as described
 651 in this subsection ~~section~~ shall have an additional 45 days
 652 after the date of the issuance of the citation in which to
 653 request a court hearing or to pay the civil penalty and
 654 delinquent fee, if applicable, as provided in s. 318.18(7),
 655 either by mail or in person, in accordance with subsection (4).

656 Section 12. Subsection (7) of section 318.18, Florida
 657 Statutes, is amended to read:

658 318.18 Amount of civil penalties.--The penalties required
 659 for a noncriminal disposition pursuant to s. 318.14 are as
 660 follows:

661 (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a
 662 violation of s. 316.1001 plus the amount of the unpaid toll
 663 shown on the traffic citation for each citation issued. The
 664 clerk of the court shall forward \$25 of the \$100 fine received,
 665 plus the amount of the unpaid toll that is shown on the
 666 citation, to the governmental entity that issued the citation.
 667 If a plea arrangement is reached prior to the date set for a
 668 scheduled evidentiary hearing, there shall be a mandatory fine
 669 assessed per citation of not less than \$50 and not more than
 670 \$100, plus the amount of the unpaid toll for each citation
 671 issued. The clerk of the court shall forward \$25 of the fine
 672 imposed, plus the amount of the unpaid toll that is shown on the

673 citation, to the governmental entity that issued the citation.
 674 The court shall have specific authority to consolidate issued
 675 citations for the same defendant for the purpose of sentencing
 676 and aggregate jurisdiction. In addition, the department shall
 677 suspend for 60 days the driver's license of a person who is
 678 convicted of 10 violations of s. 316.1001 within a 36-month
 679 period. ~~However, a person may elect to pay \$30 to the clerk of~~
 680 ~~the court, in which case adjudication is withheld, and no points~~
 681 ~~are assessed under s. 322.27. Upon receipt of the fine, the~~
 682 ~~clerk of the court must retain \$5 for administrative purposes~~
 683 ~~and must forward the \$25 to the governmental entity that issued~~
 684 ~~the citation.~~ Any funds received by a governmental entity for
 685 this violation may be used for any lawful purpose related to the
 686 operation or maintenance of a toll facility.

687 Section 13. Section 320.061, Florida Statutes, is amended
 688 to read:

689 320.061 Unlawful to alter motor vehicle registration
 690 certificates, license plates, mobile home stickers, or
 691 validation stickers or to obscure license plates; penalty.--

692 (1) No person shall alter the original appearance of any
 693 registration license plate, mobile home sticker, validation
 694 sticker, or vehicle registration certificate issued for and
 695 assigned to any motor vehicle or mobile home, whether by
 696 mutilation, alteration, defacement, or change of color or in any
 697 other manner. Any person who violates ~~the provisions of this~~
 698 subsection commits ~~section is guilty of~~ a misdemeanor of the
 699 second degree, punishable as provided in s. 775.082 or s.
 700 775.083.

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701 (2) (a) No person shall apply or attach any substance,
702 reflective matter, illuminated device, spray, coating, covering,
703 or other material onto or around any license plate that
704 interferes with the legibility, angular visibility, or
705 detectability of any feature or detail on the license plate or
706 interferes with the ability to photograph or otherwise record
707 any feature or detail on the license plate. The advertising,
708 sale, distribution, purchase, or use of any product made for the
709 purpose of interfering with the legibility, angular visibility,
710 or detectability of any feature or detail on a license plate or
711 interfering with the ability to photograph or otherwise record
712 any feature or detail on a license plate is prohibited. Any
713 person who violates this paragraph commits a misdemeanor of the
714 second degree, punishable as provided in s. 775.082 or s.
715 775.083.

716 (b) If a state or local law enforcement officer having
717 jurisdiction observes that a cover or other device is
718 obstructing the visibility or electronic image recording of a
719 license plate, the officer shall issue a uniform traffic
720 citation and shall confiscate the cover or other device that
721 obstructs the visibility or electronic image recording of the
722 plate. If a state or local law enforcement officer having
723 jurisdiction observes that a license plate has been physically
724 treated with a substance, reflective matter, spray, coating, or
725 other material that is obstructing the visibility or electronic
726 image recording of the plate, the officer shall issue a uniform
727 traffic citation and shall confiscate the plate. The department
728 shall revoke the registration of any plate that has been found

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729 by a court to have been physically altered with any chemical or
730 reflective substance or coating that obstructs the visibility or
731 electronic image recording of the plate.

732 (c) The Attorney General may file suit against any
733 individual or entity offering or marketing the sale of,
734 including via the Internet, any product advertised as having the
735 capacity to obstruct the visibility or electronic image
736 recording of a license plate. In addition to injunctive and
737 monetary relief, punitive damages, and attorney's fees, the suit
738 shall also seek a full accounting of the records of all sales to
739 residents of or entities within this state.

740 Section 14. Paragraph (c) of subsection (6) and subsection
741 (8) of section 332.007, Florida Statutes, are amended to read:

742 332.007 Administration and financing of aviation and
743 airport programs and projects; state plan.--

744 (6) Subject to the availability of appropriated funds, the
745 department may participate in the capital cost of eligible
746 public airport and aviation development projects in accordance
747 with the following rates, unless otherwise provided in the
748 General Appropriations Act or the substantive bill implementing
749 the General Appropriations Act:

750 (c) When federal funds are not available, the department
751 may fund up to 80 percent of master planning and eligible
752 aviation development projects at publicly owned, publicly
753 operated airports. If federal funds are available but
754 insufficient to meet the maximum authorized federal share, the
755 department may fund up to 80 percent of the nonfederal share of
756 such projects. Such funding is limited to airports that have no

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757 | scheduled commercial service.

758 | (8) Notwithstanding any other provision of law to the
759 | contrary, the department is authorized to fund security projects
760 | ~~at provide operational and maintenance assistance to~~ publicly
761 | owned public-use airports. ~~Such assistance shall be to comply~~
762 | ~~with enhanced federal security requirements or to address~~
763 | ~~related economic impacts from the events of September 11, 2001.~~
764 | For projects in the current adopted work program, or projects
765 | added using the available budget of the department, airports may
766 | request the department change the project purpose in accordance
767 | with this provision notwithstanding the provisions of s.

768 | 339.135(7). For purposes of this subsection, the department may
769 | fund up to 100 percent of eligible project costs that are not
770 | funded by the Federal Government. ~~Prior to releasing any funds~~
771 | ~~under this section, the department shall review and approve the~~
772 | ~~expenditure plans submitted by the airport. The department shall~~
773 | ~~inform the Legislature of any change that it approves under this~~
774 | ~~subsection.~~ This subsection shall expire on June 30, 2012 ~~2007~~.

775 | Section 15. Paragraph (c) of subsection (1) of section
776 | 336.025, Florida Statutes, is amended to read:

777 | 336.025 County transportation system; levy of local option
778 | fuel tax on motor fuel and diesel fuel.--

779 | (1)

780 | (c) Local governments may use the services of the Division
781 | of Bond Finance of the State Board of Administration pursuant to
782 | the State Bond Act to issue any bonds through the provisions of
783 | this section and may pledge the revenues from local option fuel
784 | taxes to secure the payment of the bonds. ~~In no case may a~~

785 ~~jurisdiction issue bonds pursuant to this section more~~
 786 ~~frequently than once per year.~~ Counties and municipalities may
 787 join together for the issuance of bonds issued pursuant to this
 788 section.

789 Section 16. Paragraph (a) of subsection (3) of section
 790 337.11, Florida Statutes, is amended to read:

791 337.11 Contracting authority of department; bids;
 792 emergency repairs, supplemental agreements, and change orders;
 793 combined design and construction contracts; progress payments;
 794 records; requirements of vehicle registration.--

795 (3) (a) On all construction contracts of \$250,000 or less,
 796 and any construction contract of less than \$500,000 for which
 797 the department has waived prequalification under s. 337.14, the
 798 department shall advertise for bids in a newspaper having
 799 general circulation in the county where the proposed work is
 800 located. Publication shall be at least once a week for no less
 801 than 2 consecutive weeks, and the first publication shall be no
 802 less than 14 days prior to the date on which bids are to be
 803 received.

804 Section 17. Subsection (1) of section 337.14, Florida
 805 Statutes, is amended to read:

806 337.14 Application for qualification; certificate of
 807 qualification; restrictions; request for hearing.--

808 (1) Any person desiring to bid for the performance of any
 809 construction contract in excess of \$250,000 which the department
 810 proposes to let must first be certified by the department as
 811 qualified pursuant to this section and rules of the department.
 812 The rules of the department shall address the qualification of

813 persons to bid on construction contracts in excess of \$250,000
814 and shall include requirements with respect to the equipment,
815 past record, experience, financial resources, and organizational
816 personnel of the applicant necessary to perform the specific
817 class of work for which the person seeks certification. The
818 department is authorized to limit the dollar amount of any
819 contract upon which a person is qualified to bid or the
820 aggregate total dollar volume of contracts such person is
821 allowed to have under contract at any one time. Each applicant
822 seeking qualification to bid on construction contracts in excess
823 of \$250,000 shall furnish the department a statement under oath,
824 on such forms as the department may prescribe, setting forth
825 detailed information as required on the application. Each
826 application for certification shall be accompanied by the latest
827 annual financial statement of the applicant completed within the
828 last 12 months. If the annual financial statement shows the
829 financial condition of the applicant more than 4 months prior to
830 the date on which the application is received by the department,
831 then an interim financial statement must also be submitted. The
832 interim financial statement must cover the period from the end
833 date of the annual statement and must show the financial
834 condition of the applicant no more than 4 months prior to the
835 date on which the application is received by the department.
836 Each required annual or interim financial statement must be
837 audited and accompanied by the opinion of a certified public
838 accountant or a public accountant approved by the department.
839 The information required by this subsection is confidential and
840 exempt from the provisions of s. 119.07(1). The department

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841 shall act upon the application for qualification within 30 days
842 after the department determines that the application is
843 complete. The department may waive the requirements of this
844 subsection for projects having a contract price of \$500,000 or
845 less if the department determines that the project is of a
846 noncritical nature and the waiver will not endanger public
847 health, safety, or property.

848 Section 18. Paragraph (a) of subsection (1) of section
849 337.18, Florida Statutes, is amended to read:

850 337.18 Surety bonds for construction or maintenance
851 contracts; requirement with respect to contract award; bond
852 requirements; defaults; damage assessments.--

853 (1) (a) A surety bond shall be required of the successful
854 bidder in an amount equal to the awarded contract price.
855 However, the department may choose, in its discretion and
856 applicable only to multiyear maintenance contracts, to allow for
857 incremental annual contract bonds that cumulatively total the
858 full, awarded, multiyear contract price. For a project for which
859 the contract price is \$250,000 ~~\$150,000~~ or less, the department
860 may waive the requirement for all or a portion of a surety bond
861 if it determines the project is of a noncritical nature and
862 nonperformance will not endanger public health, safety, or
863 property. If the secretary or his designee determines that it is
864 in the best interests of the department to reduce the bonding
865 requirement for a project and that to do so will not endanger
866 public health, safety, or property, the department may waive the
867 requirement of a surety bond in an amount equal to the awarded
868 contract price for a project having a contract price of \$250

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869 million or more and, in its place, may set a surety bond amount
870 that is a portion of the total contract price and provide an
871 alternate means of security for the balance of the contract
872 amount that is not covered by the surety bond or provide for
873 incremental surety bonding and provide an alternate means of
874 security for the balance of the contract amount that is not
875 covered by the surety bond. Such alternative means of security
876 may include letters of credit, United States bonds and notes,
877 parent company guaranties, and cash collateral. The department
878 may require alternate means of security if a surety bond is
879 waived. The surety on such bond shall be a surety company
880 authorized to do business in the state. All bonds shall be
881 payable to the department and conditioned for the prompt,
882 faithful, and efficient performance of the contract according to
883 plans and specifications and within the time period specified,
884 and for the prompt payment of all persons defined in s. 713.01
885 furnishing labor, material, equipment, and supplies for work
886 provided in the contract; however, whenever an improvement,
887 demolition, or removal contract price is \$25,000 or less, the
888 security may, in the discretion of the bidder, be in the form of
889 a cashier's check, bank money order of any state or national
890 bank, certified check, or postal money order. The department
891 shall adopt rules to implement this subsection. Such rules shall
892 include provisions under which the department shall refuse to
893 accept bonds on contracts when a surety wrongfully fails or
894 refuses to settle or provide a defense for claims or actions
895 arising under a contract for which the surety previously
896 furnished a bond.

897 Section 19. Subsection (3) is added to section 338.161,
 898 Florida Statutes, to read:

899 338.161 Authority of department or toll agencies to
 900 advertise and promote electronic toll collection; expanded uses
 901 of electronic toll collection system; studies authorized.--

902 (3) (a) The department or any toll agency created by
 903 statute may incur expenses to advertise or promote its
 904 electronic toll collection system to consumers on or off the
 905 turnpike or toll system.

906 (b) If the department or any toll agency created by
 907 statute finds that it can increase nontoll revenues or add
 908 convenience or other value for its customers, the department or
 909 toll agency may enter into agreements with any private or public
 910 entity allowing the use of its electronic toll collection system
 911 to pay parking fees for vehicles equipped with a transponder or
 912 similar device. The department or toll agency may initiate
 913 feasibility studies of additional future uses of its electronic
 914 toll collection system and make recommendations to the
 915 Legislature to authorize such uses.

916 Section 20. Subsection (1) of section 338.2275, Florida
 917 Statutes, is amended to read:

918 338.2275 Approved turnpike projects.--

919 (1) Legislative approval of the department's tentative
 920 work program that contains the turnpike project constitutes
 921 approval to issue bonds as required by s. 11(f), Art. VII of the
 922 State Constitution. No more than \$9 billion of bonds may be
 923 outstanding to fund approved turnpike projects. Turnpike
 924 ~~projects approved to be included in future tentative work~~

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925 ~~programs include, but are not limited to, projects contained in~~
926 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
927 ~~of bonds may be issued to fund approved turnpike projects.~~

928 Section 21. Section 339.175, Florida Statutes, is amended
929 to read:

930 339.175 Metropolitan planning organization.--

931 (1) PURPOSE.--It is the intent of the Legislature to
932 encourage and promote the safe and efficient management,
933 operation, and development of surface transportation systems
934 that will serve the mobility needs of people and freight and
935 foster economic growth and development within and through
936 urbanized areas of this state while minimizing transportation-
937 related fuel consumption and air pollution through metropolitan
938 transportation planning processes identified in this section. To
939 accomplish these objectives, metropolitan planning
940 organizations, referred to in this section as M.P.O.'s, shall
941 develop, in cooperation with the state and public transit
942 operators, transportation plans and programs for metropolitan
943 areas. The plans and programs for each metropolitan area must
944 provide for the development and integrated management and
945 operation of transportation systems and facilities, including
946 pedestrian walkways and bicycle transportation facilities that
947 will function as an intermodal transportation system for the
948 metropolitan area, based upon the prevailing principles provided
949 in s. 334.046(1). The process for developing such plans and
950 programs shall provide for consideration of all modes of
951 transportation and shall be continuing, cooperative, and
952 comprehensive, to the degree appropriate, based on the

953 complexity of the transportation problems to be addressed. To
954 ensure that the process is integrated with the statewide
955 planning process, M.P.O.'s shall develop plans and programs that
956 identify transportation facilities that should function as an
957 integrated metropolitan transportation system, giving emphasis
958 to facilities that serve important national, state, and regional
959 transportation functions. For the purposes of this section,
960 those facilities include the facilities on the Strategic
961 Intermodal System designated under s. 339.63 and facilities for
962 which projects have been identified pursuant to s. 339.2819(4).

963 (2)~~(1)~~ DESIGNATION.--

964 (a)1. An M.P.O. shall be designated for each urbanized
965 area of the state; however, this does not require that an
966 individual M.P.O. be designated for each such area. Such
967 designation shall be accomplished by agreement between the
968 Governor and units of general-purpose local government
969 representing at least 75 percent of the population of the
970 urbanized area; however, the unit of general-purpose local
971 government that represents the central city or cities within the
972 M.P.O. jurisdiction, as defined by the United States Bureau of
973 the Census, must be a party to such agreement.

974 2. More than one M.P.O. may be designated within an
975 existing metropolitan planning area only if the Governor and the
976 existing M.P.O. determine that the size and complexity of the
977 existing metropolitan planning area makes the designation of
978 more than one M.P.O. for the area appropriate.

979 (b) Each M.P.O. designated in a manner prescribed by Title
980 23 U.S.C. shall be created and operated under the provisions of

981 | this section pursuant to an interlocal agreement entered into
 982 | pursuant to s. 163.01. The signatories to the interlocal
 983 | agreement shall be the department and the governmental entities
 984 | designated by the Governor for membership on the M.P.O. Each
 985 | M.P.O. shall be considered separate from the state or the
 986 | governing body of a local government that is represented on the
 987 | governing board of the M.P.O. or that is a signatory to the
 988 | interlocal agreement creating the M.P.O. and shall have such
 989 | powers and privileges that are provided under s. 163.01. If
 990 | there is a conflict between this section and s. 163.01, this
 991 | section prevails.

992 | (c) The jurisdictional boundaries of an M.P.O. shall be
 993 | determined by agreement between the Governor and the applicable
 994 | M.P.O. The boundaries must include at least the metropolitan
 995 | planning area, which is the existing urbanized area and the
 996 | contiguous area expected to become urbanized within a 20-year
 997 | forecast period, and may encompass the entire metropolitan
 998 | statistical area or the consolidated metropolitan statistical
 999 | area.

1000 | (d) In the case of an urbanized area designated as a
 1001 | nonattainment area for ozone or carbon monoxide under the Clean
 1002 | Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 1003 | metropolitan planning area in existence as of the date of
 1004 | enactment of this paragraph shall be retained, except that the
 1005 | boundaries may be adjusted by agreement of the Governor and
 1006 | affected metropolitan planning organizations in the manner
 1007 | described in this section. If more than one M.P.O. has authority
 1008 | within a metropolitan area or an area that is designated as a

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1009 nonattainment area, each M.P.O. shall consult with other
 1010 M.P.O.'s designated for such area and with the state in the
 1011 coordination of plans and programs required by this section.

1012 (e) The governing body of the M.P.O. shall designate, at a
 1013 minimum, a chair, vice chair, and agency clerk. The chair and
 1014 vice chair shall be selected from among the member delegates
 1015 comprising the governing board. The agency clerk shall be
 1016 charged with the responsibility of preparing meeting minutes and
 1017 maintaining agency records. The clerk shall be a member of the
 1018 M.P.O. governing board, an employee of the M.P.O., or other
 1019 natural person.

1020
 1021 Each M.P.O. required under this section must be fully operative
 1022 no later than 6 months following its designation.

1023 (3)~~(2)~~ VOTING MEMBERSHIP.--

1024 (a) The voting membership of an M.P.O. shall consist of
 1025 not fewer than 5 or more than 19 apportioned members, the exact
 1026 number to be determined on an equitable geographic-population
 1027 ratio basis by the Governor, based on an agreement among the
 1028 affected units of general-purpose local government as required
 1029 by federal rules and regulations. The Governor, in accordance
 1030 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 1031 represent municipalities to alternate with representatives from
 1032 other municipalities within the metropolitan planning area that
 1033 do not have members on the M.P.O. County commission members
 1034 shall compose not less than one-third of the M.P.O. membership,
 1035 except for an M.P.O. with more than 15 members located in a
 1036 county with a 5-member ~~five-member~~ county commission or an

1037 M.P.O. with 19 members located in a county with no more than 6
 1038 county commissioners, in which case county commission members
 1039 may compose less than one-third percent of the M.P.O.
 1040 membership, but all county commissioners must be members. All
 1041 voting members shall be elected officials of general-purpose
 1042 local governments, except that an M.P.O. may include, as part of
 1043 its apportioned voting members, a member of a statutorily
 1044 authorized planning board, an official of an agency that
 1045 operates or administers a major mode of transportation, or an
 1046 official of the Florida Space Authority. As used in this
 1047 section, the term "elected officials of a general-purpose local
 1048 government" shall exclude constitutional officers, including
 1049 sheriffs, tax collectors, supervisors of elections, property
 1050 appraisers, clerks of the court, and similar types of officials.
 1051 County commissioners ~~The county commission~~ shall compose not
 1052 less than 20 percent of the M.P.O. membership if an official of
 1053 an agency that operates or administers a major mode of
 1054 transportation has been appointed to an M.P.O.

1055 (b) In metropolitan areas in which authorities or other
 1056 agencies have been or may be created by law to perform
 1057 transportation functions and are performing transportation
 1058 functions that are not under the jurisdiction of a general-
 1059 purpose ~~general-purpose~~ local government represented on the
 1060 M.P.O., they shall be provided voting membership on the M.P.O.
 1061 In all other M.P.O.'s where transportation authorities or
 1062 agencies are to be represented by elected officials from
 1063 general-purpose ~~general-purpose~~ local governments, the M.P.O.
 1064 shall establish a process by which the collective interests of

1065 such authorities or other agencies are expressed and conveyed.

1066 (c) Any other provision of this section to the contrary
 1067 notwithstanding, a chartered county with over 1 million
 1068 population may elect to reapportion the membership of an M.P.O.
 1069 whose jurisdiction is wholly within the county. The charter
 1070 county may exercise the provisions of this paragraph if:

1071 1. The M.P.O. approves the reapportionment plan by a
 1072 three-fourths vote of its membership;

1073 2. The M.P.O. and the charter county determine that the
 1074 reapportionment plan is needed to fulfill specific goals and
 1075 policies applicable to that metropolitan planning area; and

1076 3. The charter county determines the reapportionment plan
 1077 otherwise complies with all federal requirements pertaining to
 1078 M.P.O. membership.

1079
 1080 Any charter county that elects to exercise the provisions of
 1081 this paragraph shall notify the Governor in writing.

1082 (d) Any other provision of this section to the contrary
 1083 notwithstanding, any county chartered under s. 6(e), Art. VIII
 1084 of the State Constitution may elect to have its county
 1085 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 1086 wholly contained within the county. Any charter county that
 1087 elects to exercise the provisions of this paragraph shall so
 1088 notify the Governor in writing. Upon receipt of such
 1089 notification, the Governor must designate the county commission
 1090 as the M.P.O. The Governor must appoint four additional voting
 1091 members to the M.P.O., one of whom must be an elected official
 1092 representing a municipality within the county, one of whom must

1093 be an expressway authority member, one of whom must be a person
 1094 who does not hold elected public office and who resides in the
 1095 unincorporated portion of the county, and one of whom must be a
 1096 school board member.

1097 (4)~~(3)~~ APPORTIONMENT.--

1098 (a) The Governor shall, with the agreement of the affected
 1099 units of general-purpose local government as required by federal
 1100 rules and regulations, apportion the membership on the
 1101 applicable M.P.O. among the various governmental entities within
 1102 the area. At the request of a majority of the affected units of
 1103 general-purpose local government comprising an M.P.O., the
 1104 Governor and a majority of units of general-purpose local
 1105 government serving on an M.P.O. shall cooperatively agree upon
 1106 and prescribe who may serve as an alternate member and shall
 1107 ~~prescribe~~ a method for appointing alternate members who may vote
 1108 at any M.P.O. meeting that an alternate member attends in place
 1109 of a regular member. The method shall be set forth as a part of
 1110 the interlocal agreement describing the M.P.O.'s membership or
 1111 in the M.P.O.'s operating procedures and bylaws. An appointed
 1112 ~~alternate member must be an elected official serving the same~~
 1113 ~~governmental entity or a general-purpose local government with~~
 1114 ~~jurisdiction within all or part of the area that the regular~~
 1115 ~~member serves.~~ The governmental entity so designated shall
 1116 appoint the appropriate number of members to the M.P.O. from
 1117 eligible officials. Representatives of the department shall
 1118 serve as nonvoting members of the M.P.O. governing board.
 1119 Nonvoting advisers may be appointed by the M.P.O. as deemed
 1120 necessary; however, to the maximum extent feasible, each M.P.O.

1121 shall seek to appoint nonvoting representatives of various
 1122 multimodal forms of transportation not otherwise represented by
 1123 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
 1124 advisers representing major military installations located
 1125 within the jurisdictional boundaries of the M.P.O. upon the
 1126 request of the aforesaid major military installations and
 1127 subject to the agreement of the M.P.O. All nonvoting advisers
 1128 may attend and participate fully in governing board meetings but
 1129 shall not have a vote and shall not be members of the governing
 1130 board. The Governor shall review the composition of the M.P.O.
 1131 membership in conjunction with the decennial census as prepared
 1132 by the United States Department of Commerce, Bureau of the
 1133 Census, and reapportion it as necessary to comply with
 1134 subsection (3) ~~(2)~~.

1135 (b) Except for members who represent municipalities on the
 1136 basis of alternating with representatives from other
 1137 municipalities that do not have members on the M.P.O. as
 1138 provided in paragraph (3) (a) ~~(2)(a)~~, the members of an M.P.O.
 1139 shall serve 4-year terms. Members who represent municipalities
 1140 on the basis of alternating with representatives from other
 1141 municipalities that do not have members on the M.P.O. as
 1142 provided in paragraph (3) (a) ~~(2)(a)~~ may serve terms of up to 4
 1143 years as further provided in the interlocal agreement described
 1144 in paragraph (2) (b) ~~(1)(b)~~. The membership of a member who is a
 1145 public official automatically terminates upon the member's
 1146 leaving his or her elective or appointive office for any reason,
 1147 or may be terminated by a majority vote of the total membership
 1148 of the entity's governing board ~~a county or city governing~~

1149 ~~entity~~ represented by the member. A vacancy shall be filled by
 1150 the original appointing entity. A member may be reappointed for
 1151 one or more additional 4-year terms.

1152 (c) If a governmental entity fails to fill an assigned
 1153 appointment to an M.P.O. within 60 days after notification by
 1154 the Governor of its duty to appoint, that appointment shall be
 1155 made by the Governor from the eligible representatives of that
 1156 governmental entity.

1157 (5)~~(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority and
 1158 responsibility of an M.P.O. is to manage a continuing,
 1159 cooperative, and comprehensive transportation planning process
 1160 that, based upon the prevailing principles provided in s.
 1161 334.046(1), results in the development of plans and programs
 1162 which are consistent, to the maximum extent feasible, with the
 1163 approved local government comprehensive plans of the units of
 1164 local government the boundaries of which are within the
 1165 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 1166 cooperative decisionmaking by officials of the affected
 1167 governmental entities in the development of the plans and
 1168 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and
 1169 (9).

1170 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 1171 privileges, and authority of an M.P.O. are those specified in
 1172 this section or incorporated in an interlocal agreement
 1173 authorized under s. 163.01. Each M.P.O. shall perform all acts
 1174 required by federal or state laws or rules, now and subsequently
 1175 applicable, which are necessary to qualify for federal aid. It
 1176 is the intent of this section that each M.P.O. shall be involved

1177 | in the planning and programming of transportation facilities,
 1178 | including, but not limited to, airports, intercity and high-
 1179 | speed rail lines, seaports, and intermodal facilities, to the
 1180 | extent permitted by state or federal law.

1181 | (a) Each M.P.O. shall, in cooperation with the department,
 1182 | develop:

1183 | 1. A long-range transportation plan pursuant to the
 1184 | requirements of subsection (7) ~~(6)~~;

1185 | 2. An annually updated transportation improvement program
 1186 | pursuant to the requirements of subsection (8) ~~(7)~~; and

1187 | 3. An annual unified planning work program pursuant to the
 1188 | requirements of subsection (9) ~~(8)~~.

1189 | (b) In developing the long-range transportation plan and
 1190 | the transportation improvement program required under paragraph
 1191 | (a), each M.P.O. shall provide for consideration of projects and
 1192 | strategies that will:

1193 | 1. Support the economic vitality of the metropolitan area,
 1194 | especially by enabling global competitiveness, productivity, and
 1195 | efficiency;

1196 | 2. Increase the safety and security of the transportation
 1197 | system for motorized and nonmotorized users;

1198 | 3. Increase the accessibility and mobility options
 1199 | available to people and for freight;

1200 | 4. Protect and enhance the environment, promote energy
 1201 | conservation, and improve quality of life;

1202 | 5. Enhance the integration and connectivity of the
 1203 | transportation system, across and between modes, for people and
 1204 | freight;

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1205 6. Promote efficient system management and operation; and
 1206 7. Emphasize the preservation of the existing
 1207 transportation system.

1208 (c) In order to provide recommendations to the department
 1209 and local governmental entities regarding transportation plans
 1210 and programs, each M.P.O. shall:

1211 1. Prepare a congestion management system for the
 1212 metropolitan area and cooperate with the department in the
 1213 development of all other transportation management systems
 1214 required by state or federal law;

1215 2. Assist the department in mapping transportation
 1216 planning boundaries required by state or federal law;

1217 3. Assist the department in performing its duties relating
 1218 to access management, functional classification of roads, and
 1219 data collection;

1220 4. Execute all agreements or certifications necessary to
 1221 comply with applicable state or federal law;

1222 5. Represent all the jurisdictional areas within the
 1223 metropolitan area in the formulation of transportation plans and
 1224 programs required by this section; and

1225 6. Perform all other duties required by state or federal
 1226 law.

1227 (d) Each M.P.O. shall appoint a technical advisory
 1228 committee, the members of which shall serve at the pleasure of
 1229 the M.P.O. The membership of the technical advisory committee
 1230 must include, whenever possible, ~~that includes~~ planners;
 1231 engineers; representatives of local aviation authorities, port
 1232 authorities, and public transit authorities or representatives

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1233 of aviation departments, seaport departments, and public transit
1234 departments of municipal or county governments, as applicable;
1235 the school superintendent of each county within the jurisdiction
1236 of the M.P.O. or the superintendent's designee; and other
1237 appropriate representatives of affected local governments. In
1238 addition to any other duties assigned to it by the M.P.O. or by
1239 state or federal law, the technical advisory committee is
1240 responsible for considering safe access to schools in its review
1241 of transportation project priorities, long-range transportation
1242 plans, and transportation improvement programs, and shall advise
1243 the M.P.O. on such matters. In addition, the technical advisory
1244 committee shall coordinate its actions with local school boards
1245 and other local programs and organizations within the
1246 metropolitan area which participate in school safety activities,
1247 such as locally established community traffic safety teams.
1248 Local school boards must provide the appropriate M.P.O. with
1249 information concerning future school sites and in the
1250 coordination of transportation service.

1251 (e)1. Each M.P.O. shall appoint a citizens' advisory
1252 committee, the members of which serve at the pleasure of the
1253 M.P.O. The membership on the citizens' advisory committee must
1254 reflect a broad cross section of local residents with an
1255 interest in the development of an efficient, safe, and cost-
1256 effective transportation system. Minorities, the elderly, and
1257 the handicapped must be adequately represented.

1258 2. Notwithstanding the provisions of subparagraph 1., an
1259 M.P.O. may, with the approval of the department and the
1260 applicable federal governmental agency, adopt an alternative

1261 program or mechanism to ensure citizen involvement in the
 1262 transportation planning process.

1263 (f) The department shall allocate to each M.P.O., for the
 1264 purpose of accomplishing its transportation planning and
 1265 programming duties, an appropriate amount of federal
 1266 transportation planning funds.

1267 (g) Each M.P.O. shall have an executive or staff director
 1268 who reports directly to the M.P.O. governing board for all
 1269 matters regarding the administration and operation of the M.P.O.
 1270 and any additional personnel as deemed necessary. The executive
 1271 director and any additional personnel may be employed either by
 1272 an M.P.O. or by another governmental entity, such as a county,
 1273 city, or regional planning council, that has a staff services
 1274 agreement signed and in effect with the M.P.O. Each M.P.O. may
 1275 employ personnel or may enter into contracts with local or state
 1276 agencies, private planning firms, or private engineering firms,
 1277 or other public or private entities to accomplish its
 1278 transportation planning and programming duties and
 1279 administrative functions required by state or federal law.

1280 (h) In order to enhance their knowledge, effectiveness,
 1281 and participation in the urbanized area transportation planning
 1282 process, each M.P.O. shall provide training opportunities and
 1283 training funds specifically for local elected officials and
 1284 others who serve on an M.P.O. The training opportunities may be
 1285 conducted by an individual M.P.O. or through statewide and
 1286 federal training programs and initiatives that are specifically
 1287 designed to meet the needs of M.P.O. board members.

1288 (i) ~~(h)~~ A chair's coordinating committee is created,

1289 | composed of the M.P.O.'s serving Hernando, Hillsborough,
 1290 | Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 1291 | committee must, at a minimum:

1292 | 1. Coordinate transportation projects deemed to be
 1293 | regionally significant by the committee.

1294 | 2. Review the impact of regionally significant land use
 1295 | decisions on the region.

1296 | 3. Review all proposed regionally significant
 1297 | transportation projects in the respective transportation
 1298 | improvement programs which affect more than one of the M.P.O.'s
 1299 | represented on the committee.

1300 | 4. Institute a conflict resolution process to address any
 1301 | conflict that may arise in the planning and programming of such
 1302 | regionally significant projects.

1303 | (j)~~(i)~~1. The Legislature finds that the state's rapid
 1304 | growth in recent decades has caused many urbanized areas subject
 1305 | to M.P.O. jurisdiction to become contiguous to each other. As a
 1306 | result, various transportation projects may cross from the
 1307 | jurisdiction of one M.P.O. into the jurisdiction of another
 1308 | M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 1309 | have been mandated, M.P.O.'s shall develop coordination
 1310 | mechanisms with one another to expand and improve transportation
 1311 | within the state. The appropriate method of coordination between
 1312 | M.P.O.'s shall vary depending upon the project involved and
 1313 | given local and regional needs. Consequently, it is appropriate
 1314 | to set forth a flexible methodology that can be used by M.P.O.'s
 1315 | to coordinate with other M.P.O.'s and appropriate political
 1316 | subdivisions as circumstances demand.

1317 2. Any M.P.O. may join with any other M.P.O. or any
 1318 individual political subdivision to coordinate activities or to
 1319 achieve any federal or state transportation planning or
 1320 development goals or purposes consistent with federal or state
 1321 law. When an M.P.O. determines that it is appropriate to join
 1322 with another M.P.O. or any political subdivision to coordinate
 1323 activities, the M.P.O. or political subdivision shall enter into
 1324 an interlocal agreement pursuant to s. 163.01, which, at a
 1325 minimum, creates a separate legal or administrative entity to
 1326 coordinate the transportation planning or development activities
 1327 required to achieve the goal or purpose; provides ~~provide~~ the
 1328 purpose for which the entity is created; provides ~~provide~~ the
 1329 duration of the agreement and the entity, ~~and~~ specifies ~~specify~~
 1330 how the agreement may be terminated, modified, or rescinded;
 1331 describes ~~describe~~ the precise organization of the entity,
 1332 including who has voting rights on the governing board, whether
 1333 alternative voting members are provided for, how voting members
 1334 are appointed, and what the relative voting strength is for each
 1335 constituent M.P.O. or political subdivision; provides ~~provide~~
 1336 the manner in which the parties to the agreement will provide
 1337 for the financial support of the entity and payment of costs and
 1338 expenses of the entity; provides ~~provide~~ the manner in which
 1339 funds may be paid to and disbursed from the entity; and provides
 1340 ~~provide~~ how members of the entity will resolve disagreements
 1341 regarding interpretation of the interlocal agreement or disputes
 1342 relating to the operation of the entity. Such interlocal
 1343 agreement shall become effective upon its recordation in the
 1344 official public records of each county in which a member of the

1345 entity created by the interlocal agreement has a voting member.
 1346 This paragraph does not require any M.P.O.'s to merge, combine,
 1347 or otherwise join together as a single M.P.O.

1348 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1349 develop a long-range transportation plan that addresses at least
 1350 a 20-year planning horizon. The plan must include both long-
 1351 range and short-range strategies and must comply with all other
 1352 state and federal requirements. The prevailing principles to be
 1353 considered in the long-range transportation plan are: preserving
 1354 the existing transportation infrastructure; enhancing Florida's
 1355 economic competitiveness; and improving travel choices to ensure
 1356 mobility. The long-range transportation plan must be consistent,
 1357 to the maximum extent feasible, with future land use elements
 1358 and the goals, objectives, and policies of the approved local
 1359 government comprehensive plans of the units of local government
 1360 located within the jurisdiction of the M.P.O. The approved long-
 1361 range transportation plan must be considered by local
 1362 governments in the development of the transportation elements in
 1363 local government comprehensive plans and any amendments thereto.
 1364 The long-range transportation plan must, at a minimum:

1365 (a) Identify transportation facilities, including, but not
 1366 limited to, major roadways, airports, seaports, spaceports,
 1367 commuter rail systems, transit systems, and intermodal or
 1368 multimodal terminals that will function as an integrated
 1369 metropolitan transportation system. The long-range
 1370 transportation plan must give emphasis to those transportation
 1371 facilities that serve national, statewide, or regional
 1372 functions, and must consider the goals and objectives identified

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1373 in the Florida Transportation Plan as provided in s. 339.155. If
1374 a project is located within the boundaries of more than one
1375 M.P.O., the M.P.O.'s must coordinate plans regarding the project
1376 in the long-range transportation plan.

1377 (b) Include a financial plan that demonstrates how the
1378 plan can be implemented, indicating resources from public and
1379 private sources which are reasonably expected to be available to
1380 carry out the plan, and recommends any additional financing
1381 strategies for needed projects and programs. The financial plan
1382 may include, for illustrative purposes, additional projects that
1383 would be included in the adopted long-range transportation plan
1384 if reasonable additional resources beyond those identified in
1385 the financial plan were available. For the purpose of developing
1386 the long-range transportation plan, the M.P.O. and the
1387 department shall cooperatively develop estimates of funds that
1388 will be available to support the plan implementation. Innovative
1389 financing techniques may be used to fund needed projects and
1390 programs. Such techniques may include the assessment of tolls,
1391 the use of value capture financing, or the use of value pricing.

1392 (c) Assess capital investment and other measures necessary
1393 to:

1394 1. Ensure the preservation of the existing metropolitan
1395 transportation system including requirements for the operation,
1396 resurfacing, restoration, and rehabilitation of major roadways
1397 and requirements for the operation, maintenance, modernization,
1398 and rehabilitation of public transportation facilities; and

1399 2. Make the most efficient use of existing transportation
 1400 facilities to relieve vehicular congestion and maximize the
 1401 mobility of people and goods.

1402 (d) Indicate, as appropriate, proposed transportation
 1403 enhancement activities, including, but not limited to,
 1404 pedestrian and bicycle facilities, scenic easements,
 1405 landscaping, historic preservation, mitigation of water
 1406 pollution due to highway runoff, and control of outdoor
 1407 advertising.

1408 (e) In addition to the requirements of paragraphs (a)-(d),
 1409 in metropolitan areas that are classified as nonattainment areas
 1410 for ozone or carbon monoxide, the M.P.O. must coordinate the
 1411 development of the long-range transportation plan with the State
 1412 Implementation Plan developed pursuant to the requirements of
 1413 the federal Clean Air Act.

1414
 1415 In the development of its long-range transportation plan, each
 1416 M.P.O. must provide the public, affected public agencies,
 1417 representatives of transportation agency employees, freight
 1418 shippers, providers of freight transportation services, private
 1419 providers of transportation, representatives of users of public
 1420 transit, and other interested parties with a reasonable
 1421 opportunity to comment on the long-range transportation plan.
 1422 The long-range transportation plan must be approved by the
 1423 M.P.O.

1424 (8) ~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
 1425 shall, in cooperation with the state and affected public
 1426 transportation operators, develop a transportation improvement

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1427 program for the area within the jurisdiction of the M.P.O. In
1428 the development of the transportation improvement program, each
1429 M.P.O. must provide the public, affected public agencies,
1430 representatives of transportation agency employees, freight
1431 shippers, providers of freight transportation services, private
1432 providers of transportation, representatives of users of public
1433 transit, and other interested parties with a reasonable
1434 opportunity to comment on the proposed transportation
1435 improvement program.

1436 (a) Each M.P.O. is responsible for developing, annually, a
1437 list of project priorities and a transportation improvement
1438 program. The prevailing principles to be considered by each
1439 M.P.O. when developing a list of project priorities and a
1440 transportation improvement program are: preserving the existing
1441 transportation infrastructure; enhancing Florida's economic
1442 competitiveness; and improving travel choices to ensure
1443 mobility. The transportation improvement program will be used to
1444 initiate federally aided transportation facilities and
1445 improvements as well as other transportation facilities and
1446 improvements including transit, rail, aviation, spaceport, and
1447 port facilities to be funded from the State Transportation Trust
1448 Fund within its metropolitan area in accordance with existing
1449 and subsequent federal and state laws and rules and regulations
1450 related thereto. The transportation improvement program shall be
1451 consistent, to the maximum extent feasible, with the approved
1452 local government comprehensive plans of the units of local
1453 government whose boundaries are within the metropolitan area of

1454 the M.P.O. and include those projects programmed pursuant to s.
 1455 339.2819(4).

1456 (b) Each M.P.O. annually shall prepare a list of project
 1457 priorities and shall submit the list to the appropriate district
 1458 of the department by October 1 of each year; however, the
 1459 department and a metropolitan planning organization may, in
 1460 writing, agree to vary this submittal date. The list of project
 1461 priorities must be formally reviewed by the technical and
 1462 citizens' advisory committees, and approved by the M.P.O.,
 1463 before it is transmitted to the district. The approved list of
 1464 project priorities must be used by the district in developing
 1465 the district work program and must be used by the M.P.O. in
 1466 developing its transportation improvement program. The annual
 1467 list of project priorities must be based upon project selection
 1468 criteria that, at a minimum, consider the following:

- 1469 1. The approved M.P.O. long-range transportation plan;
- 1470 2. The Strategic Intermodal System Plan developed under s.
 1471 339.64.
- 1472 3. The priorities developed pursuant to s. 339.2819(4).
- 1473 4. The results of the transportation management systems;
 1474 and
- 1475 5. The M.P.O.'s public-involvement procedures.

1476 (c) The transportation improvement program must, at a
 1477 minimum:

- 1478 1. Include projects and project phases to be funded with
 1479 state or federal funds within the time period of the
 1480 transportation improvement program and which are recommended for
 1481 advancement during the next fiscal year and 4 subsequent fiscal

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1482 years. Such projects and project phases must be consistent, to
1483 the maximum extent feasible, with the approved local government
1484 comprehensive plans of the units of local government located
1485 within the jurisdiction of the M.P.O. For informational
1486 purposes, the transportation improvement program shall also
1487 include a list of projects to be funded from local or private
1488 revenues.

1489 2. Include projects within the metropolitan area which are
1490 proposed for funding under 23 U.S.C. s. 134 of the Federal
1491 Transit Act and which are consistent with the long-range
1492 transportation plan developed under subsection (7) ~~(6)~~.

1493 3. Provide a financial plan that demonstrates how the
1494 transportation improvement program can be implemented; indicates
1495 the resources, both public and private, that are reasonably
1496 expected to be available to accomplish the program; identifies
1497 any innovative financing techniques that may be used to fund
1498 needed projects and programs; and may include, for illustrative
1499 purposes, additional projects that would be included in the
1500 approved transportation improvement program if reasonable
1501 additional resources beyond those identified in the financial
1502 plan were available. Innovative financing techniques may include
1503 the assessment of tolls, the use of value capture financing, or
1504 the use of value pricing. The transportation improvement program
1505 may include a project or project phase only if full funding can
1506 reasonably be anticipated to be available for the project or
1507 project phase within the time period contemplated for completion
1508 of the project or project phase.

1509 4. Group projects and project phases of similar urgency
1510 and anticipated staging into appropriate staging periods.

1511 5. Indicate how the transportation improvement program
1512 relates to the long-range transportation plan developed under
1513 subsection (7) ~~(6)~~, including providing examples of specific
1514 projects or project phases that further the goals and policies
1515 of the long-range transportation plan.

1516 6. Indicate whether any project or project phase is
1517 inconsistent with an approved comprehensive plan of a unit of
1518 local government located within the jurisdiction of the M.P.O.
1519 If a project is inconsistent with an affected comprehensive
1520 plan, the M.P.O. must provide justification for including the
1521 project in the transportation improvement program.

1522 7. Indicate how the improvements are consistent, to the
1523 maximum extent feasible, with affected seaport, airport, and
1524 spaceport master plans and with public transit development plans
1525 of the units of local government located within the jurisdiction
1526 of the M.P.O. If a project is located within the boundaries of
1527 more than one M.P.O., the M.P.O.'s must coordinate plans
1528 regarding the project in the transportation improvement program.

1529 (d) Projects included in the transportation improvement
1530 program and that have advanced to the design stage of
1531 preliminary engineering may be removed from or rescheduled in a
1532 subsequent transportation improvement program only by the joint
1533 action of the M.P.O. and the department. Except when recommended
1534 in writing by the district secretary for good cause, any project
1535 removed from or rescheduled in a subsequent transportation
1536 improvement program shall not be rescheduled by the M.P.O. in

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1537 that subsequent program earlier than the 5th year of such
1538 program.

1539 (e) During the development of the transportation
1540 improvement program, the M.P.O. shall, in cooperation with the
1541 department and any affected public transit operation, provide
1542 citizens, affected public agencies, representatives of
1543 transportation agency employees, freight shippers, providers of
1544 freight transportation services, private providers of
1545 transportation, representatives of users of public transit, and
1546 other interested parties with reasonable notice of and an
1547 opportunity to comment on the proposed program.

1548 (f) The adopted annual transportation improvement program
1549 for M.P.O.'s in nonattainment or maintenance areas must be
1550 submitted to the district secretary and the Department of
1551 Community Affairs at least 90 days before the submission of the
1552 state transportation improvement program by the department to
1553 the appropriate federal agencies. The annual transportation
1554 improvement program for M.P.O.'s in attainment areas must be
1555 submitted to the district secretary and the Department of
1556 Community Affairs at least 45 days before the department submits
1557 the state transportation improvement program to the appropriate
1558 federal agencies; however, the department, the Department of
1559 Community Affairs, and a metropolitan planning organization may,
1560 in writing, agree to vary this submittal date. The Governor or
1561 the Governor's designee shall review and approve each
1562 transportation improvement program and any amendments thereto.

1563 (g) The Department of Community Affairs shall review the
1564 annual transportation improvement program of each M.P.O. for

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1565 consistency with the approved local government comprehensive
 1566 plans of the units of local government whose boundaries are
 1567 within the metropolitan area of each M.P.O. and shall identify
 1568 those projects that are inconsistent with such comprehensive
 1569 plans. The Department of Community Affairs shall notify an
 1570 M.P.O. of any transportation projects contained in its
 1571 transportation improvement program which are inconsistent with
 1572 the approved local government comprehensive plans of the units
 1573 of local government whose boundaries are within the metropolitan
 1574 area of the M.P.O.

1575 (h) The M.P.O. shall annually publish or otherwise make
 1576 available for public review the annual listing of projects for
 1577 which federal funds have been obligated in the preceding year.
 1578 Project monitoring systems must be maintained by those agencies
 1579 responsible for obligating federal funds and made accessible to
 1580 the M.P.O.'s.

1581 (9)~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 1582 develop, in cooperation with the department and public
 1583 transportation providers, a unified planning work program that
 1584 lists all planning tasks to be undertaken during the program
 1585 year. The unified planning work program must provide a complete
 1586 description of each planning task and an estimated budget
 1587 therefor and must comply with applicable state and federal law.

1588 (10)~~(9)~~ AGREEMENTS.--

1589 (a) Each M.P.O. shall execute the following written
 1590 agreements, which shall be reviewed, and updated as necessary,
 1591 every 5 years:

1592 1. An agreement with the department clearly establishing
 1593 the cooperative relationship essential to accomplish the
 1594 transportation planning requirements of state and federal law.

1595 2. An agreement with the metropolitan and regional
 1596 intergovernmental coordination and review agencies serving the
 1597 metropolitan areas, specifying the means by which activities
 1598 will be coordinated and how transportation planning and
 1599 programming will be part of the comprehensive planned
 1600 development of the area.

1601 3. An agreement with operators of public transportation
 1602 systems, including transit systems, commuter rail systems,
 1603 airports, seaports, and spaceports, describing the means by
 1604 which activities will be coordinated and specifying how public
 1605 transit, commuter rail, aviation, seaport, and aerospace
 1606 planning and programming will be part of the comprehensive
 1607 planned development of the metropolitan area.

1608 (b) An M.P.O. may execute other agreements required by
 1609 state or federal law or as necessary to properly accomplish its
 1610 functions.

1611 (11)~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
 1612 COUNCIL.--

1613 (a) A Metropolitan Planning Organization Advisory Council
 1614 is created to augment, and not supplant, the role of the
 1615 individual M.P.O.'s in the cooperative transportation planning
 1616 process described in this section.

1617 (b) The council shall consist of one representative from
 1618 each M.P.O. and shall elect a chairperson annually from its
 1619 number. Each M.P.O. shall also elect an alternate representative

1620 from each M.P.O. to vote in the absence of the representative.
 1621 Members of the council do not receive any compensation for their
 1622 services, but may be reimbursed from funds made available to
 1623 council members for travel and per diem expenses incurred in the
 1624 performance of their council duties as provided in s. 112.061.

1625 (c) The powers and duties of the Metropolitan Planning
 1626 Organization Advisory Council are to:

- 1627 1. Enter into contracts with individuals, private
 1628 corporations, and public agencies.
- 1629 2. Acquire, own, operate, maintain, sell, or lease
 1630 personal property essential for the conduct of business.
- 1631 3. Accept funds, grants, assistance, gifts, or bequests
 1632 from private, local, state, or federal sources.
- 1633 4. Establish bylaws and adopt rules pursuant to ss.
 1634 120.536(1) and 120.54 to implement provisions of law conferring
 1635 powers or duties upon it.
- 1636 5. Assist M.P.O.'s in carrying out the urbanized area
 1637 transportation planning process by serving as the principal
 1638 forum for collective policy discussion pursuant to law.
- 1639 6. Serve as a clearinghouse for review and comment by
 1640 M.P.O.'s on the Florida Transportation Plan and on other issues
 1641 required to comply with federal or state law in carrying out the
 1642 urbanized area transportation and systematic planning processes
 1643 instituted pursuant to s. 339.155.
- 1644 7. Employ an executive director and such other staff as
 1645 necessary to perform adequately the functions of the council,
 1646 within budgetary limitations. The executive director and staff
 1647 are exempt from part II of chapter 110 and serve at the

1648 direction and control of the council. The council is assigned to
 1649 the Office of the Secretary of the Department of Transportation
 1650 for fiscal and accountability purposes, but it shall otherwise
 1651 function independently of the control and direction of the
 1652 department.

1653 8. Adopt an agency strategic plan that provides the
 1654 priority directions the agency will take to carry out its
 1655 mission within the context of the state comprehensive plan and
 1656 any other statutory mandates and directions given to the agency.

1657 (12)~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon notification by
 1658 an agency of the Federal Government that any provision of this
 1659 section conflicts with federal laws or regulations, such federal
 1660 laws or regulations will take precedence to the extent of the
 1661 conflict until such conflict is resolved. The department or an
 1662 M.P.O. may take any necessary action to comply with such federal
 1663 laws and regulations or to continue to remain eligible to
 1664 receive federal funds.

1665 (13)~~(12)~~ VOTING REQUIREMENTS.--Each long-range
 1666 transportation plan required pursuant to subsection (7) ~~(6)~~,
 1667 each annually updated Transportation Improvement Program
 1668 required under subsection (8) ~~(7)~~, and each amendment that
 1669 affects projects in the first 3 years of such plans and programs
 1670 must be approved by each M.P.O. on a recorded roll call vote, or
 1671 hand-counted vote, of a majority of the membership present.

1672 Section 22. Subsection (2) of section 339.2819, Florida
 1673 Statutes, is amended to read:

1674 339.2819 Transportation Regional Incentive Program.--

1675 (2) The percentage of matching funds provided from the

1676 Transportation Regional Incentive Program shall be 50 percent of
 1677 project costs, ~~or up to 50 percent of the nonfederal share of~~
 1678 ~~the eligible project cost for a public transportation facility~~
 1679 ~~project.~~

1680 Section 23. Subsection (4) of section 339.55, Florida
 1681 Statutes, is amended, and paragraph (c) is added to subsection
 1682 (2) and paragraph (j) is added to subsection (7) of that
 1683 section, to read:

1684 339.55 State-funded infrastructure bank.--

1685 (2) The bank may lend capital costs or provide credit
 1686 enhancements for:

1687 (c)1. Emergency loans for damages incurred to public-use
 1688 commercial deepwater seaports, public-use airports, and other
 1689 public-use transit and intermodal facilities that are within an
 1690 area that is part of an official state declaration of emergency
 1691 pursuant to chapter 252 and all other applicable laws. Such
 1692 loans:

1693 a. May not exceed 24 months in duration except in extreme
 1694 circumstances, for which the Secretary of Transportation may
 1695 grant up to 36 months upon making written findings specifying
 1696 the conditions requiring a 36-month term.

1697 b. Require application from the recipient to the
 1698 department that includes documentation of damage claims filed
 1699 with the Federal Emergency Management Agency or an applicable
 1700 insurance carrier and documentation of the recipient's overall
 1701 financial condition.

1702 c. Are subject to approval by the Secretary of
 1703 Transportation and the Legislative Budget Commission.

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1704 2. Loans provided under this paragraph must be repaid upon
1705 receipt by the recipient of eligible program funding for damages
1706 in accordance with the claims filed with the Federal Emergency
1707 Management Agency or an applicable insurance carrier, but no
1708 later than the duration of the loan.

1709 (4) Loans from the bank may bear interest at or below
1710 market interest rates, as determined by the department.
1711 Repayment of any loan from the bank shall commence not later
1712 than 5 years after the project has been completed or, in the
1713 case of a highway project, the facility has opened to traffic,
1714 whichever is later, and shall be repaid in no more than 30
1715 years, except for loans provided under paragraph (2) (c), which
1716 shall be repaid in no more than 36 months.

1717 (7) The department may consider, but is not limited to,
1718 the following criteria for evaluation of projects for assistance
1719 from the bank:

1720 (j) The extent to which damage from a disaster that
1721 results in a declaration of emergency has impacted a public
1722 transportation facility's ability to maintain its previous level
1723 of service and remain accessible to the public or has had a
1724 major impact on the cash flow or revenue-generation ability of
1725 the public-use facility.

1726 Section 24. Paragraph (a) of subsection (2) of section
1727 343.81, Florida Statutes, is amended to read:

1728 343.81 Northwest Florida Transportation Corridor
1729 Authority.--

1730 (2) (a) The governing body of the authority shall consist
1731 of eight voting members, one each from Escambia, Santa Rosa,

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1732 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
 1733 appointed by the Governor to a 4-year term. The appointees shall
 1734 be residents of their respective counties and may not hold an
 1735 elected office. Upon the effective date of his or her
 1736 appointment, or as soon thereafter as practicable, each
 1737 appointed member of the authority shall enter upon his or her
 1738 duties. Each appointed member shall hold office until his or her
 1739 successor has been appointed and has qualified. A vacancy
 1740 occurring during a term shall be filled only for the balance of
 1741 the unexpired term. Any member of the authority shall be
 1742 eligible for reappointment. Members of the authority may be
 1743 removed from office by the Governor for misconduct, malfeasance,
 1744 misfeasance, or nonfeasance in office.

1745 Section 25. The amendments made by this act to s. 343.81,
 1746 Florida Statutes, prohibiting the appointment of a person
 1747 holding an elected office to the Northwest Florida
 1748 Transportation Corridor Authority shall not prohibit any member
 1749 appointed prior to the effective date of this act from
 1750 completing his or her current term, and the prohibition shall
 1751 only apply to members appointed after the effective date of this
 1752 act.

1753 Section 26. Subsection (2) of section 343.82, Florida
 1754 Statutes, is amended to read:

1755 343.82 Purposes and powers.--

1756 (2) (a) The authority is authorized to construct any feeder
 1757 roads, reliever roads, connector roads, bypasses, or appurtenant
 1758 facilities that are intended to improve mobility along the U.S.
 1759 98 corridor. The transportation improvement projects may also

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1760 include all necessary approaches, roads, bridges, and avenues of
 1761 access that are desirable and proper with the concurrence, where
 1762 applicable, of the department if the project is to be part of
 1763 the State Highway System or the respective county or municipal
 1764 governing boards. Any transportation facilities constructed by
 1765 the authority may be tolled.

1766 (b) Notwithstanding any special act to the contrary, the
 1767 authority shall plan for and study the feasibility of
 1768 constructing, operating, and maintaining a bridge or bridges
 1769 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
 1770 access roads to such bridge or bridges, including studying the
 1771 environmental and economic feasibility of such bridge or
 1772 bridges and access roads, and such other transportation
 1773 facilities that become part of such bridge system. The authority
 1774 may construct, operate, and maintain the bridge system if the
 1775 authority determines that the bridge system project is feasible
 1776 and consistent with the authority's primary purpose and master
 1777 plan.

1778 Section 27. Subsection (9) of section 348.0004, Florida
 1779 Statutes, is amended to read:

1780 348.0004 Purposes and powers.--

1781 (9) The Legislature declares that there is a public need
 1782 for rapid construction of safe and efficient transportation
 1783 facilities for travel within the state and that it is in the
 1784 public's interest to provide for public-private partnership
 1785 agreements to effectuate the construction of additional safe,
 1786 convenient, and economical transportation facilities.

1787 (a) Notwithstanding any other provision of the Florida

1788 Expressway Authority Act, any expressway authority,
 1789 transportation authority, bridge authority, or toll authority
 1790 established under this part or any other statute may receive or
 1791 solicit proposals and enter into agreements with private
 1792 entities, or consortia thereof, for the building, operation,
 1793 ownership, or financing of ~~expressway~~ authority transportation
 1794 facilities or new transportation facilities within the
 1795 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 1796 authority is authorized to adopt rules to implement this
 1797 subsection and shall, by rule, establish an application fee for
 1798 the submission of unsolicited proposals under this subsection.
 1799 The fee must be sufficient to pay the costs of evaluating the
 1800 proposals. An ~~expressway~~ authority may engage private
 1801 consultants to assist in the evaluation. Before approval, an
 1802 ~~expressway~~ authority must determine that a proposed project:
 1803 1. Is in the public's best interest.
 1804 2. Would not require state funds to be used unless the
 1805 project is on or provides increased mobility on the State
 1806 Highway System.
 1807 3. Would have adequate safeguards to ensure that no
 1808 additional costs or service disruptions would be realized by the
 1809 traveling public and residents ~~citizens~~ of the state in the
 1810 event of default or the cancellation of the agreement by the
 1811 ~~expressway~~ authority.
 1812 (b) An ~~expressway~~ authority shall ensure that all
 1813 reasonable costs to the state which are~~7~~ related to
 1814 transportation facilities that are not part of the State Highway
 1815 System~~7~~ are borne by the private entity. An ~~expressway~~ authority

1816 shall also ensure that all reasonable costs to the state and
 1817 substantially affected local governments and utilities related
 1818 to the private transportation facility are borne by the private
 1819 entity for transportation facilities that are owned by private
 1820 entities. For projects on the State Highway System, the
 1821 department may use state resources to participate in funding and
 1822 financing the project as provided for under the department's
 1823 enabling legislation.

1824 (c) The ~~expressway~~ authority may request proposals for
 1825 public-private transportation projects or, if it receives an
 1826 unsolicited proposal, it must publish a notice in the Florida
 1827 Administrative Weekly and a newspaper of general circulation in
 1828 the county in which it is located at least once a week for 2
 1829 weeks, stating that it has received the proposal and will
 1830 accept, for 60 days after the initial date of publication, other
 1831 proposals for the same project purpose. A copy of the notice
 1832 must be mailed to each local government in the affected areas.
 1833 After the public notification period has expired, the ~~expressway~~
 1834 authority shall rank the proposals in order of preference. In
 1835 ranking the proposals, the ~~expressway~~ authority shall consider
 1836 professional qualifications, general business terms, innovative
 1837 engineering or cost-reduction terms, finance plans, and the need
 1838 for state funds to deliver the proposal. If the ~~expressway~~
 1839 authority is not satisfied with the results of the negotiations,
 1840 it may, at its sole discretion, terminate negotiations with the
 1841 proposer. If these negotiations are unsuccessful, the ~~expressway~~
 1842 authority may go to the second and lower-ranked firms, in order,
 1843 using the same procedure. If only one proposal is received, the

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1844 ~~expressway~~ authority may negotiate in good faith, and if it is
1845 not satisfied with the results, it may, at its sole discretion,
1846 terminate negotiations with the proposer. Notwithstanding this
1847 paragraph, the ~~expressway~~ authority may, at its discretion,
1848 reject all proposals at any point in the process up to
1849 completion of a contract with the proposer.

1850 (d) The department may lend funds from the Toll Facilities
1851 Revolving Trust Fund, as outlined in s. 338.251, to public-
1852 private partnerships. To be eligible, a private entity must
1853 comply with s. 338.251 and must provide an indication from a
1854 nationally recognized rating agency that the senior bonds for
1855 the project will be investment grade or must provide credit
1856 support, such as a letter of credit or other means acceptable to
1857 the department, to ensure that the loans will be fully repaid.

1858 (e) Agreements entered into pursuant to this subsection
1859 may authorize the public-private entity to impose tolls or fares
1860 for the use of the facility. However, the amount and use of toll
1861 or fare revenues shall be regulated by the ~~expressway~~ authority
1862 to avoid unreasonable costs to users of the facility.

1863 (f) Each public-private transportation facility
1864 constructed pursuant to this subsection shall comply with all
1865 requirements of federal, state, and local laws; state, regional,
1866 and local comprehensive plans; the ~~expressway~~ authority's rules,
1867 policies, procedures, and standards for transportation
1868 facilities; and any other conditions that the ~~expressway~~
1869 authority determines to be in the public's best interest.

1870 (g) An ~~expressway~~ authority may exercise any power
1871 possessed by it, including eminent domain, to facilitate the

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1872 development and construction of transportation projects pursuant
 1873 to this subsection. An ~~expressway~~ authority may pay all or part
 1874 of the cost of operating and maintaining the facility or may
 1875 provide services to the private entity for which it receives
 1876 full or partial reimbursement for services rendered.

1877 (h) Except as herein provided, this subsection is not
 1878 intended to amend existing laws by granting additional powers to
 1879 or further restricting the governmental entities from regulating
 1880 and entering into cooperative arrangements with the private
 1881 sector for the planning, construction, and operation of
 1882 transportation facilities. Use of the powers granted in this
 1883 subsection may not subject a statutorily created expressway
 1884 authority, transportation authority, bridge authority, or toll
 1885 authority, other than one statutorily created under this part,
 1886 to any of the requirements of this part other than those
 1887 contained in this subsection.

1888 Section 28. Section 348.0012, Florida Statutes, is amended
 1889 to read:

1890 348.0012 Exemptions from applicability.--The Florida
 1891 Expressway Authority Act does not apply:

1892 (1) In a county in which an expressway authority has been
 1893 created pursuant to parts II-IX of this chapter, except as
 1894 expressly provided in this part; or

1895 (2) To a transportation authority created pursuant to
 1896 chapter 349.

1897 Section 29. Subsection (6) is added to section 348.754,
 1898 Florida Statutes, to read:

1899 348.754 Purposes and powers.--

1900 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
 1901 County Expressway Authority may waive payment and performance
 1902 bonds on construction contracts for the construction of a public
 1903 building, for the prosecution and completion of a public work,
 1904 or for repairs on a public building or public work that has a
 1905 cost of \$500,000 or less and when the project is awarded
 1906 pursuant to an economic development program for the
 1907 encouragement of local small businesses that has been adopted by
 1908 the governing body of the Orlando-Orange County Expressway
 1909 Authority pursuant to a resolution or policy.

1910 (b) The authority's adopted criteria for participation in
 1911 the economic development program for local small businesses
 1912 requires that a participant:

1913 1. Be an independent business.
 1914 2. Be principally domiciled in the Orange County Standard
 1915 Metropolitan Statistical Area.

1916 3. Employ 25 or fewer full-time employees.
 1917 4. Have gross annual sales averaging \$3 million or less
 1918 over the immediately preceding 3 calendar years with regard to
 1919 any construction element of the program.

1920 5. Be accepted as a participant in the Orlando-Orange
 1921 County Expressway Authority's microcontracts program or such
 1922 other small business program as may be hereinafter enacted by
 1923 the Orlando-Orange County Expressway Authority.

1924 6. Participate in an educational curriculum or technical
 1925 assistance program for business development that will assist the
 1926 small business in becoming eligible for bonding.

1927 (c) The authority's adopted procedures for waiving payment

1928 and performance bonds on projects with values not less than
 1929 \$200,000 and not exceeding \$500,000 shall provide that payment
 1930 and performance bonds may only be waived on projects that have
 1931 been set aside to be competitively bid on by participants in an
 1932 economic development program for local small businesses. The
 1933 authority's executive director or his or her designee shall
 1934 determine whether specific construction projects are suitable
 1935 for:

- 1936 1. Bidding under the authority's microcontracts program by
- 1937 registered local small businesses; and
- 1938 2. Waiver of the payment and performance bond.

1939
 1940 The decision of the authority's executive director or deputy
 1941 executive director to waive the payment and performance bond
 1942 shall be based upon his or her investigation and conclusion that
 1943 there exists sufficient competition so that the authority
 1944 receives a fair price and does not undertake any unusual risk
 1945 with respect to such project.

1946 (d) For any contract for which a payment and performance
 1947 bond has been waived pursuant to the authority set forth in this
 1948 section, the Orlando-Orange County Expressway Authority shall
 1949 pay all persons defined in s. 713.01 who furnish labor,
 1950 services, or materials for the prosecution of the work provided
 1951 for in the contract to the same extent and upon the same
 1952 conditions that a surety on the payment bond under s. 255.05
 1953 would have been obligated to pay such persons if the payment and
 1954 performance bond had not been waived. The authority shall record
 1955 notice of this obligation in the manner and location that surety

1956 bonds are recorded. The notice shall include the information
 1957 describing the contract that s. 255.05(1) requires be stated on
 1958 the front page of the bond. Notwithstanding that s. 255.05(9)
 1959 generally applies when a performance and payment bond is
 1960 required, s. 255.05(9) shall apply under this subsection to any
 1961 contract on which performance or payment bonds are waived and
 1962 any claim to payment under this subsection shall be treated as a
 1963 contract claim pursuant to s. 255.05(9).

1964 (e) A small business that has been the successful bidder
 1965 on six projects for which the payment and performance bond was
 1966 waived by the authority pursuant to paragraph (a) shall be
 1967 ineligible to bid on additional projects for which the payment
 1968 and performance bond is to be waived. The local small business
 1969 may continue to participate in other elements of the economic
 1970 development program for local small businesses as long as it is
 1971 eligible.

1972 (f) The authority shall conduct bond eligibility training
 1973 for businesses qualifying for bond waiver under this subsection
 1974 to encourage and promote bond eligibility for such businesses.

1975 (g) The authority shall prepare a biennial report on the
 1976 activities undertaken pursuant to this subsection to be
 1977 submitted to the Orange County legislative delegation. The
 1978 initial report shall be due December 31, 2008.

1979 Section 30. Paragraph (a) of subsection (3) of section
 1980 163.3177, Florida Statutes, is amended to read:

1981 163.3177 Required and optional elements of comprehensive
 1982 plan; studies and surveys.--

1983 (3) (a) The comprehensive plan shall contain a capital

1984 improvements element designed to consider the need for and the
 1985 location of public facilities in order to encourage the
 1986 efficient utilization of such facilities and set forth:

1987 1. A component which outlines principles for construction,
 1988 extension, or increase in capacity of public facilities, as well
 1989 as a component which outlines principles for correcting existing
 1990 public facility deficiencies, which are necessary to implement
 1991 the comprehensive plan. The components shall cover at least a 5-
 1992 year period.

1993 2. Estimated public facility costs, including a
 1994 delineation of when facilities will be needed, the general
 1995 location of the facilities, and projected revenue sources to
 1996 fund the facilities.

1997 3. Standards to ensure the availability of public
 1998 facilities and the adequacy of those facilities including
 1999 acceptable levels of service.

2000 4. Standards for the management of debt.

2001 5. A schedule of capital improvements which includes
 2002 publicly funded projects, and which may include privately funded
 2003 projects for which the local government has no fiscal
 2004 responsibility, necessary to ensure that adopted level-of-
 2005 service standards are achieved and maintained. For capital
 2006 improvements that will be funded by the developer, financial
 2007 feasibility shall be demonstrated by being guaranteed in an
 2008 enforceable development agreement or interlocal agreement
 2009 pursuant to paragraph (10)(h), or other enforceable agreement.
 2010 These development agreements and interlocal agreements shall be
 2011 reflected in the schedule of capital improvements if the capital

2012 improvement is necessary to serve development within the 5-year
 2013 schedule. If the local government uses planned revenue sources
 2014 that require referenda or other actions to secure the revenue
 2015 source, the plan must, in the event the referenda are not passed
 2016 or actions do not secure the planned revenue source, identify
 2017 other existing revenue sources that will be used to fund the
 2018 capital projects or otherwise amend the plan to ensure financial
 2019 feasibility.

2020 6. The schedule must include transportation improvements
 2021 included in the applicable metropolitan planning organization's
 2022 transportation improvement program adopted pursuant to s.
 2023 339.175(8)~~(7)~~ to the extent that such improvements are relied
 2024 upon to ensure concurrency and financial feasibility. The
 2025 schedule must also be coordinated with the applicable
 2026 metropolitan planning organization's long-range transportation
 2027 plan adopted pursuant to s. 339.175(7)~~(6)~~.

2028 Section 31. Section 339.176, Florida Statutes, is amended
 2029 to read:

2030 339.176 Voting membership for M.P.O. with boundaries
 2031 including certain counties.--In addition to the voting
 2032 membership established by s. 339.175(3)~~(2)~~ and notwithstanding
 2033 any other provision of law to the contrary, the voting
 2034 membership of any Metropolitan Planning Organization whose
 2035 geographical boundaries include any county as defined in s.
 2036 125.011(1) must include an additional voting member appointed by
 2037 that city's governing body for each city with a population of
 2038 50,000 or more residents.

2039 Section 32. Subsection (1) of section 341.828, Florida

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2040 Statutes, is amended to read:

2041 341.828 Permitting.--

2042 (1) The authority, for the purposes of permitting, may
 2043 utilize one or more permitting processes provided for in
 2044 statute, including, but not limited to, the metropolitan
 2045 planning organization long-range transportation planning process
 2046 as defined in s. 339.175~~(6)~~ and (7) and (8), in conjunction with
 2047 the Department of Transportation's work program process as
 2048 defined in s. 339.135, or any permitting process now in effect
 2049 or that may be in effect at the time of permitting and will
 2050 provide the most timely and cost-effective permitting process.

2051 Section 33. Section 2 of chapter 89-383, Laws of Florida,
 2052 is amended to read:

2053 Section 2. Red Road is hereby designated as a state
 2054 historic highway. No public funds shall be expended for:

2055 (1) The removal of any healthy tree which is not a safety
 2056 hazard.

2057 (2) Any alteration of the physical dimensions or location
 2058 of Red Road, the median strip thereof, the land adjacent
 2059 thereto, or any part of the original composition of the
 2060 entranceway, including the towers, the walls, and the lampposts.

2061 (3) Any construction on or along Red Road of any new
 2062 structure, or any building, clearing, filling, or excavating on
 2063 or along Red Road except for routine maintenance or alterations,
 2064 modifications, or improvements to it and the adjacent right-of-
 2065 way made for the purpose of enhancing life safety for vehicular
 2066 or pedestrian use of Red Road if the number of traffic lanes is
 2067 not altered ~~work which is essential to the health, safety, or~~

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2068 | ~~welfare of the environment.~~

2069 | Section 34. This act shall take effect July 1, 2007.