

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 authorizing the Department of Transportation to
5 adopt rules for the delegation of authority
6 beyond the assistant secretaries; providing for
7 a change in administrative duties; providing
8 additional responsibilities of the Florida
9 Transportation Commission; amending s.
10 206.8745, F.S.; providing for a refund of tax
11 paid on undyed diesel fuel consumed by the
12 engine of a qualified motor coach during idle
13 time for certain purposes; defining "motor
14 coach"; providing restrictions on refunds;
15 providing for proper documentation; granting
16 the Department of Revenue authority to adopt
17 rules; amending s. 311.07, F.S.; expanding the
18 use of certain seaport funds; providing for a
19 final audit of funds; amending s. 311.09, F.S.;
20 providing overrule authority to certain state
21 agencies; providing voting membership to
22 certain state agencies; providing for
23 expenditure of moneys derived from the Florida
24 Seaport Transportation and Economic Development
25 Program; amending s. 320.20, F.S.; authorizing
26 revenue to be pledged to the payment of certain
27 bonds under certain circumstances; amending s.
28 334.044, F.S.; authorizing the department to
29 purchase promotional items for use in certain
30 public awareness programs; authorizing the
31 department to adopt rules relating to approval

1 of material sources; amending s. 334.187, F.S.;
2 authorizing the department to adopt rules
3 relating to the use of prepaid escrow accounts;
4 amending s. 335.02, F.S.; providing a maximum
5 lane policy; amending s. 336.025, F.S.;
6 revising language with respect to the local
7 option fuel tax to authorize county and
8 municipal governments to use the funds for
9 certain purposes; amending s. 337.025, F.S.;
10 authorizing highway maintenance projects to be
11 included in the innovative highway program;
12 amending ss. 334.035 and 334.046, F.S.;
13 providing prevailing principles for planning
14 and developing transportation systems; amending
15 s. 337.175, F.S.; providing for retainage
16 flexibility; amending s. 337.18, F.S.;
17 authorizing the department to adopt rules
18 relating to surety bonds; amending s. 338.155,
19 F.S.; authorizing the department to adopt rules
20 with respect to guaranteed toll accounts;
21 amending s. 338.161, F.S.; authorizing the
22 department to incur advertising expenses for
23 the promotion of toll facilities; amending s.
24 338.165, F.S.; providing that certain high
25 occupancy toll lanes or express lanes may be
26 continued under certain circumstances; amending
27 s. 339.09, F.S.; authorizing the department to
28 adopt rules relating to the expenditure of
29 transportation revenues; amending s. 339.155,
30 F.S.; clarifying the public participation
31 process in transportation planning; conforming

1 provisions to federal requirements; providing
2 prevailing principles; deleting certain
3 planning factors; amending s. 339.175, F.S.;
4 providing duties of the metropolitan planning
5 Technical Advisory Committee; providing for a
6 coordinating committee in certain M.P.O.'s;
7 providing prevailing principles for planning
8 and developing transportation systems for
9 metropolitan planning organizations; deleting
10 certain planning factors; amending s. 343.56,
11 F.S.; authorizing the use of certain federal
12 funds to pay principal and interest on bonds;
13 amending s. 343.63, F.S.; increasing the number
14 of members appointed to the Central Florida
15 Regional Transportation Authority by the
16 Governor and providing that the member selected
17 by the department be a nonvoting member;
18 amending s. 343.64, F.S.; authorizing the board
19 to enter into a partnership with any county
20 which is contiguous to the existing service
21 area; prohibiting the Central Florida Regional
22 Transportation Authority from hiring a
23 permanent executive director until appointments
24 to the authority's governing board have been
25 filled; amending s. 427.013, F.S.; authorizing
26 the Commission for the Transportation
27 Disadvantaged to adopt rules relating to
28 development of operational standards; amending
29 s. 427.0135, F.S.; granting authority for rules
30 adopted by the commission relating to member
31 departments; amending s. 427.015, F.S.;

1 granting authority for rules adopted by the
2 commission to community transportation
3 coordinators; amending s. 479.01, F.S.;
4 revising the definition of the term "premises";
5 amending s. 479.16, F.S.; revising language
6 with respect to signs for which permits are not
7 required; creating s. 552.30, F.S., relating to
8 construction materials mining activities;
9 providing authority of the State Fire Marshal;
10 providing for the State Fire Marshal to
11 establish certain limits; creating s. 325.205,
12 F.S.; directing the Department of Environmental
13 Protection to submit a revision to Florida's
14 State Implementation Plan to the United States
15 Environmental Protection Agency; repealing ss.
16 325.001, 325.201, 325.202, 325.203, 325.204,
17 325.206, 325.207, 325.2075, 325.208, 325.209,
18 325.210, 325.211, 325.212, 325.213, 325.2135,
19 325.214, 325.215, 325.216, 325.217, 325.218,
20 and 325.219, F.S., which provide for inspection
21 of motor vehicle exhaust emissions; amending
22 ss. 316.2935 and 320.055, F.S.; correcting
23 cross-references to conform to the act;
24 providing effective dates.

25

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

27

28 Section 1. Paragraph (c) of subsection (1), paragraph
29 (b) of subsection (2), and paragraphs (c) and (d) of
30 subsection (3) of section 20.23, Florida Statutes, are amended
31 to read:

1 20.23 Department of Transportation.--There is created
2 a Department of Transportation which shall be a decentralized
3 agency.

4 (1)

5 (c) The secretary shall appoint three assistant
6 secretaries who shall be directly responsible to the secretary
7 and who shall perform such duties as are specified in this
8 section and such other duties as are assigned by the
9 secretary. The secretary may delegate to any assistant
10 secretary the authority to act in the absence of the
11 secretary. The department has the authority to adopt rules
12 necessary for the delegation of authority beyond the assistant
13 secretaries.The assistant secretaries shall serve at the
14 pleasure of the secretary.

15 (2)

16 (b) The commission shall have the primary functions
17 to:

18 1. Recommend major transportation policies for the
19 Governor's approval, and assure that approved policies and any
20 revisions thereto are properly executed.

21 2. Periodically review the status of the state
22 transportation system including highway, transit, rail,
23 seaport, intermodal development, and aviation components of
24 the system and recommend improvements therein to the Governor
25 and the Legislature.

26 3. Perform an in-depth evaluation of the annual
27 department budget request, the Florida Transportation Plan,
28 and the tentative work program for compliance with all
29 applicable laws and established departmental policies. Except
30 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
31 the commission may not consider individual construction

1 projects, but shall consider methods of accomplishing the
2 goals of the department in the most effective, efficient, and
3 businesslike manner.

4 4. Monitor the financial status of the department on a
5 regular basis to assure that the department is managing
6 revenue and bond proceeds responsibly and in accordance with
7 law and established policy.

8 5. Monitor on at least a quarterly basis, the
9 efficiency, productivity, and management of the department,
10 using performance and production standards developed by the
11 commission pursuant to s. 334.045.

12 6. Perform an in-depth evaluation of the factors
13 causing disruption of project schedules in the adopted work
14 program and recommend to the Legislature and the Governor
15 methods to eliminate or reduce the disruptive effects of these
16 factors.

17 7. Recommend to the Governor and the Legislature
18 improvements to the department's organization in order to
19 streamline and optimize the efficiency of the department. In
20 reviewing the department's organization, the commission shall
21 determine if the current district organizational structure is
22 responsive to Florida's changing economic and demographic
23 development patterns. The initial report by the commission
24 must be delivered to the Governor and Legislature by December
25 15, 2000, and each year thereafter, as appropriate. The
26 commission may retain such experts as are reasonably necessary
27 to effectuate this subparagraph, and the department shall pay
28 the expenses of such experts.

29 (3)

30 (c) The secretary shall appoint an Assistant Secretary
31 for Transportation Policy, an Assistant Secretary for Finance

- 1 and Administration, and an Assistant Secretary for District
2 Operations, each of whom shall serve at the pleasure of the
3 secretary. The positions are responsible for developing,
4 monitoring, and enforcing policy and managing major technical
5 programs. The responsibilities and duties of these positions
6 include, but are not limited to, the following functional
7 areas:
- 8 1. Assistant Secretary for Transportation Policy.--
 - 9 a. Development of the Florida Transportation Plan and
10 other policy planning;
 - 11 b. Development of statewide modal systems plans,
12 including public transportation systems;
 - 13 c. Design of transportation facilities;
 - 14 d. Construction of transportation facilities; ~~and~~
 - 15 e. Acquisition and management of transportation
16 rights-of-way; ~~and~~
 - 17 f. Administration of motor carrier compliance and
18 safety.
 - 19 2. Assistant Secretary for District Operations.--
 - 20 a. Administration of the eight districts; and
 - 21 b. Implementation of the decentralization of the
22 department; ~~and~~
 - 23 ~~c. Administration of motor carrier compliance and~~
24 ~~safety.~~
 - 25 3. Assistant Secretary for Finance and
26 Administration.--
 - 27 a. Financial planning and management;
 - 28 b. Information systems;
 - 29 c. Accounting systems;
 - 30 d. Administrative functions; and
 - 31 e. Administration of toll operations.

1 (d)1. Policy, program, or operations offices shall be
2 established within the central office for the purposes of:

3 a. Developing policy and procedures and monitoring
4 performance to ensure compliance with these policies and
5 procedures;

6 b. Performing statewide activities which it is more
7 cost-effective to perform in a central location;

8 c. Assessing and ensuring the accuracy of information
9 within the department's financial management information
10 systems; and

11 d. Performing other activities of a statewide nature.

12 2. The following offices are established and shall be
13 headed by a manager, each of whom shall be appointed by and
14 serve at the pleasure of the secretary. The positions shall be
15 classified at a level equal to a division director:

16 a. The Office of Administration;

17 b. The Office of Policy Planning;

18 c. The Office of Design;

19 d. The Office of Highway Operations;

20 e. The Office of Right-of-Way;

21 f. The Office of Toll Operations; ~~and~~

22 g. The Office of Information Systems; ~~and~~

23 h. The Office of Motor Carrier Compliance.

24 3. Other offices may be established in accordance with
25 s. 20.04(7). The heads of such offices are exempt from part II
26 of chapter 110. No office or organization shall be created at
27 a level equal to or higher than a division without specific
28 legislative authority.

29 4. During the construction of a major transportation
30 improvement project or as determined by the district
31 secretary, the department may provide assistance to a business

1 entity significantly impacted by the project if the entity is
2 a for-profit entity that has been in business for 3 years
3 prior to the beginning of construction and has direct or
4 shared access to the transportation project being constructed.
5 The assistance program shall be in the form of additional
6 guarantees to assist the impacted business entity in receiving
7 loans pursuant to Title 13 C.F.R. part 120. However, in no
8 instance shall the combined guarantees be greater than 90
9 percent of the loan. The department shall adopt rules to
10 implement this subparagraph.

11 Section 2. Subsection (8) is added to section
12 206.8745, Florida Statutes, to read:

13 206.8745 Credits and refund claims.--

14 (8) Undyed, tax-paid diesel fuel purchased in this
15 state and consumed by the engine of a qualified motor coach
16 during idle time for the purpose of running climate control
17 systems and maintaining electrical systems for the motor coach
18 is subject to a refund. As used in this subsection, the term
19 "qualified motor coach" means a privately owned vehicle that
20 is designed to carry nine or more passengers, that has a gross
21 vehicle weight of at least 33,000 pounds, that is used
22 exclusively in the commercial application of transporting
23 passengers for compensation, and that has the capacity to
24 measure diesel fuel consumed in Florida during idling,
25 separate from diesel fuel consumed to propel the vehicle in
26 this state, by way of an on-board computer.

27 (a) The purchaser may make one claim for refund per
28 calendar year.

29 (b) The annual refund claim must be submitted before
30 April 1 of the year following the year in which the tax was
31 paid and after December 31, 2000.

1 (c) The purchaser must submit original or copies of
2 original purchase invoices showing the taxes paid, or, in lieu
3 of original invoices, a purchaser may submit a schedule of
4 purchases containing the information required by s.
5 206.41(5)(b)1.

6 (d) The purchaser must remit, as an offset to the
7 refund, sales tax due under chapter 212 based on the purchase
8 price of the fuel, net of the state tax refunded.

9
10 The Department of Revenue may adopt rules to administer this
11 subsection.

12 Section 3. Paragraph (b) of subsection (3) and
13 subsection (6) of section 311.07, Florida Statutes, is amended
14 to read:

15 311.07 Florida seaport transportation and economic
16 development funding.--

17 (3)

18 (b) Projects eligible for funding by grants under the
19 program are limited to the following port facilities or port
20 transportation projects:

21 1. Transportation facilities within the jurisdiction
22 of the port.

23 2. The dredging or deepening of channels, turning
24 basins, or harbors.

25 3. The construction or rehabilitation of wharves,
26 docks, structures, jetties, piers, storage facilities, cruise
27 terminals, automated people mover systems, or any facilities
28 necessary or useful in connection with any of the foregoing.

29 4. The acquisition of container cranes or other
30 mechanized equipment used in the movement of cargo or
31 passengers in international commerce.

- 1 5. The acquisition of land to be used for port
2 purposes.
- 3 6. The acquisition, improvement, enlargement, or
4 extension of existing port facilities.
- 5 7. Environmental protection projects which are
6 necessary because of requirements imposed by a state agency as
7 a condition of a permit or other form of state approval; which
8 are necessary for environmental mitigation required as a
9 condition of a state, federal, or local environmental permit;
10 which are necessary for the acquisition of spoil disposal
11 sites and improvements to existing and future spoil sites; or
12 which result from the funding of eligible projects listed
13 herein.
- 14 8. Transportation facilities as defined in s.
15 334.03(31) which are not otherwise part of the Department of
16 Transportation's adopted work program.
- 17 9. Seaport intermodal access projects identified in
18 the 5-year Florida Seaport Mission Plan as provided in s.
19 311.09(3).
- 20 10. Construction or rehabilitation of port facilities
21 as defined in s. 315.02, excluding any park or recreational
22 facilities, in ports listed in s. 311.09(1) with operating
23 revenues of \$5 million or less, provided that such projects
24 create economic development opportunities, capital
25 improvements, and positive financial returns to such ports.
- 26 (6) The Department of Transportation shall subject any
27 project that receives funds pursuant to this section and s.
28 320.20 to a final audit. The department may adopt rules and
29 perform such other acts as are necessary or convenient to
30 ensure that the final audits are conducted and that any
31

1 deficiency or questioned costs noted by the audit are
2 resolved.

3 Section 4. Subsections (1), (4), (11), and (12) of
4 section 311.09, Florida Statutes, are amended to read:

5 311.09 Florida Seaport Transportation and Economic
6 Development Council.--

7 (1) The Florida Seaport Transportation and Economic
8 Development Council is created within the Department of
9 Transportation. The council consists of the following 17
10 members: the port director, or the port director's designee,
11 of each of the ports of Jacksonville, Port Canaveral, Fort
12 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.
13 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
14 West, and Fernandina; the secretary of the Department of
15 Transportation or his or her designee ~~as an ex officio~~
16 ~~nonvoting member~~; the director of the Office of Tourism,
17 Trade, and Economic Development or his or her designee ~~as an~~
18 ~~ex officio nonvoting member~~; and the secretary of the
19 Department of Community Affairs or his or her designee ~~as an~~
20 ~~ex officio nonvoting member~~.

21 (4) The council shall adopt rules for evaluating
22 projects which may be funded under ~~ss.s-~~311.07 and 320.20.
23 The rules shall provide criteria for evaluating the economic
24 benefit of the project, measured by the potential for the
25 proposed project to maintain or increase cargo flow, cruise
26 passenger movement, international commerce, port revenues, and
27 the number of jobs for the port's local community.

28 (11) The council shall meet at the call of its
29 chairperson, at the request of a majority of its membership,
30 or at such times as may be prescribed in its bylaws. However,
31 the council must meet at least semiannually. A majority of

1 voting members of the council constitutes a quorum for the
2 purpose of transacting the business of the council. All
3 members of the council are voting members ~~except for members~~
4 ~~representing the Department of Transportation; the Department~~
5 ~~of Community Affairs; and the Office of Tourism, Trade, and~~
6 ~~Economic Development.~~ A vote of the majority of the voting
7 members present is sufficient for any action of the council,
8 except that a member representing the Department of
9 Transportation, the Department of Community Affairs, or the
10 Office of Tourism, Trade, and Economic Development may vote to
11 overrule any action of the council approving a project
12 pursuant to subsection (5).~~unless~~ The bylaws of the council
13 may require a greater vote for a particular action.

14 (12) Members of the council shall serve without
15 compensation but are entitled to receive reimbursement for per
16 diem and travel expenses as provided in s. 112.061. The
17 council may elect to provide an administrative staff to
18 provide services to the council on matters relating to the
19 Florida Seaport Transportation and Economic Development
20 Program and the council. The cost for such administrative
21 services shall be paid by all ports that receive funding from
22 the Florida Seaport Transportation and Economic Development
23 Program, based upon a pro rata formula measured by each
24 recipient's share of the funds as compared to the total funds
25 disbursed to all recipients during the year. The share of
26 costs for administrative services shall be paid in its total
27 amount by the recipient port upon execution by the port and
28 the Department of Transportation of a joint participation
29 agreement for each council-approved project, and such payment
30 is in addition to the matching funds required to be paid by
31 the recipient port. Except as otherwise exempted by law, all

1 moneys derived from the Florida Seaport Transportation and
2 Economic Development Program shall be expended in accordance
3 with the provisions of s. 287.057. Seaports subject to
4 competitive negotiation requirements of a local governing body
5 shall be exempt from this requirement.

6 Section 5. Subsections (3) and (4) of section 320.20,
7 Florida Statutes, are amended to read:

8 320.20 Disposition of license tax moneys.--The revenue
9 derived from the registration of motor vehicles, including any
10 delinquent fees and excluding those revenues collected and
11 distributed under the provisions of s. 320.081, must be
12 distributed monthly, as collected, as follows:

13 (3) Notwithstanding any other provision of law except
14 subsections (1) and (2), on July 1, 1996, and annually
15 thereafter, \$15 million shall be deposited in the State
16 Transportation Trust Fund solely for the purposes of funding
17 the Florida Seaport Transportation and Economic Development
18 Program as provided for in chapter 311. Such revenues shall
19 be distributed on a 50-50 matching basis to any port listed in
20 s. 311.09(1) to be used for funding projects as described in
21 s. 311.07(3)(b). Such revenues may be assigned, pledged, or
22 set aside as a trust for the payment of principal or interest
23 on bonds, tax anticipation certificates, or any other form of
24 indebtedness issued by an individual port or appropriate local
25 government having jurisdiction thereof, or collectively by
26 interlocal agreement among any of the ports, or used to
27 purchase credit support to permit such borrowings. However,
28 such debt shall not constitute a general obligation of the
29 State of Florida. The state does hereby covenant with holders
30 of such revenue bonds or other instruments of indebtedness
31 issued hereunder that it will not repeal or impair or amend in

1 any manner which will materially and adversely affect the
2 rights of such holders so long as bonds authorized by this
3 section are outstanding. Any revenues which are not pledged
4 to the repayment of bonds as authorized by this section may be
5 utilized for purposes authorized under the Florida Seaport
6 Transportation and Economic Development Program. This revenue
7 source is in addition to any amounts provided for and
8 appropriated in accordance with s. 311.07. The Florida
9 Seaport Transportation and Economic Development Council shall
10 approve distribution of funds to ports for projects which have
11 been approved pursuant to s. 311.09(5)-(9). The council and
12 the Department of Transportation are authorized to perform
13 such acts as are required to facilitate and implement the
14 provisions of this subsection. To better enable the ports to
15 cooperate to their mutual advantage, the governing body of
16 each port may exercise powers provided to municipalities or
17 counties in s. 163.01(7)(d) subject to the provisions of
18 chapter 311 and special acts, if any, pertaining to a port.
19 The use of funds provided pursuant to this subsection are
20 limited to eligible projects listed in this subsection.
21 Income derived from a project completed with the use of
22 program funds, beyond operating costs and debt service, shall
23 be restricted to further port capital improvements consistent
24 with maritime purposes and for no other purpose. Use of such
25 income for nonmaritime purposes is prohibited. The provisions
26 of s. 311.07(4) do not apply to any funds received pursuant to
27 this subsection. The revenues available under this subsection
28 shall not be pledged to the payment of any bonds other than
29 the Florida Ports Financing Commission Series 1996 and Series
30 1999 Bonds currently outstanding; provided, however, such
31 revenues may be pledged to secure payment of refunding bonds

1 to refinance the Florida Ports Financing Commission Series
2 1996 and Series 1999 Bonds. No refunding bonds secured by
3 revenues available under this subsection may be issued with a
4 final maturity later than the final maturity of the Florida
5 Ports Financing Commission Series 1996 and Series 1999 Bonds
6 or which provide for higher debt service in any year than is
7 currently payable on such bonds. Any revenue bonds or other
8 indebtedness issued after July 1, 2000, other than refunding
9 bonds shall be issued by the Division of Bond Finance at the
10 request of the Department of Transportation pursuant to the
11 State Bond Act.

12 (4) Notwithstanding any other provision of law except
13 subsections (1), (2), and (3), on July 1, 1999, and annually
14 thereafter, \$10 million shall be deposited in the State
15 Transportation Trust Fund solely for the purposes of funding
16 the Florida Seaport Transportation and Economic Development
17 Program as provided in chapter 311 and for funding seaport
18 intermodal access projects of statewide significance as
19 provided in s. 341.053. Such revenues shall be distributed to
20 any port listed in s. 311.09(1), to be used for funding
21 projects as follows:

22 (a) For any seaport intermodal access projects that
23 are identified in the 1997-1998 Tentative Work Program of the
24 Department of Transportation, up to the amounts needed to
25 offset the funding requirements of this section. ~~and~~

26 (b) For seaport intermodal access projects as
27 described in s. 341.053(5) that are identified in the 5-year
28 Florida Seaport Mission Plan as provided in s. 311.09(3).
29 Funding for such projects shall be on a matching basis as
30 mutually determined by the Florida Seaport Transportation and
31 Economic Development Council and the Department of

1 Transportation, provided a minimum of 25 percent of total
2 project funds shall come from any port funds, local funds,
3 private funds, or specifically earmarked federal funds, ~~or~~

4 (c) On a 50-50 matching basis for projects as
5 described in s. 311.07(3)(b).

6 (d) For seaport intermodal access projects that
7 involve the dredging or deepening of channels, turning basins,
8 or harbors; or the rehabilitation of wharves, docks, or
9 similar structures. Funding for such projects shall require a
10 25 percent match of the funds received pursuant to this
11 subsection. Matching funds shall come from any port funds,
12 federal funds, local funds, or private funds.

13
14 Such revenues may be assigned, pledged, or set aside as a
15 trust for the payment of principal or interest on bonds, tax
16 anticipation certificates, or any other form of indebtedness
17 issued by an individual port or appropriate local government
18 having jurisdiction thereof, or collectively by interlocal
19 agreement among any of the ports, or used to purchase credit
20 support to permit such borrowings. However, such debt shall
21 not constitute a general obligation of the state. This state
22 does hereby covenant with holders of such revenue bonds or
23 other instruments of indebtedness issued hereunder that it
24 will not repeal or impair or amend this subsection in any
25 manner which will materially and adversely affect the rights
26 of holders so long as bonds authorized by this subsection are
27 outstanding. Any revenues that are not pledged to the
28 repayment of bonds as authorized by this section may be
29 utilized for purposes authorized under the Florida Seaport
30 Transportation and Economic Development Program. This revenue
31 source is in addition to any amounts provided for and

1 appropriated in accordance with s. 311.07 and subsection (3).
2 The Florida Seaport Transportation and Economic Development
3 Council shall approve distribution of funds to ports for
4 projects that have been approved pursuant to s. 311.09(5)-(9),
5 or for seaport intermodal access projects identified in the
6 5-year Florida Seaport Mission Plan as provided in s.
7 311.09(3) and mutually agreed upon by the FSTED Council and
8 the Department of Transportation. All contracts for actual
9 construction of projects authorized by this subsection must
10 include a provision encouraging employment of WAGES
11 participants. The goal for employment of WAGES participants
12 is 25 percent of all new employees employed specifically for
13 the project, unless the Department of Transportation and the
14 Florida Seaport Transportation and Economic Development
15 Council can demonstrate to the satisfaction of the Secretary
16 of Labor and Employment Security that such a requirement would
17 severely hamper the successful completion of the project. In
18 such an instance, the Secretary of Labor and Employment
19 Security shall establish an appropriate percentage of
20 employees that must be WAGES participants. The council and the
21 Department of Transportation are authorized to perform such
22 acts as are required to facilitate and implement the
23 provisions of this subsection. To better enable the ports to
24 cooperate to their mutual advantage, the governing body of
25 each port may exercise powers provided to municipalities or
26 counties in s. 163.01(7)(d) subject to the provisions of
27 chapter 311 and special acts, if any, pertaining to a port.
28 The use of funds provided pursuant to this subsection is
29 limited to eligible projects listed in this subsection. The
30 provisions of s. 311.07(4) do not apply to any funds received
31 pursuant to this subsection. The revenues available under this

1 subsection shall not be pledged to the payment of any bonds
2 other than the Florida Ports Financing Commission Series 1996
3 and Series 1999 Bonds currently outstanding; provided,
4 however, such revenues may be pledged to secure payment of
5 refunding bonds to refinance the Florida Ports Financing
6 Commission Series 1996 and Series 1999 Bonds. No refunding
7 bonds secured by revenues available under this subsection may
8 be issued with a final maturity later than the final maturity
9 of the Florida Ports Financing Commission Series 1996 and
10 Series 1999 Bonds or which provide for higher debt service in
11 any year than is currently payable on such bonds. Any revenue
12 bonds or other indebtedness issued after July 1, 2000, other
13 than refunding bonds shall be issued by the Division of Bond
14 Finance at the request of the Department of Transportation
15 pursuant to the State Bond Act.

16 Section 6. Subsection (5) of section 334.044, Florida
17 Statutes, is amended, and paragraph (c) is added to subsection
18 (10) of said section, to read:

19 334.044 Department; powers and duties.--The department
20 shall have the following general powers and duties:

21 (5) To purchase, lease, or otherwise acquire property
22 and materials, including the purchase of promotional items as
23 part of public information and education campaigns for the
24 promotion of traffic and train safety awareness, alternatives
25 to single-occupant vehicle travel, and commercial motor
26 vehicle safety; to purchase, lease, or otherwise acquire
27 equipment, and supplies; and to sell, exchange, or otherwise
28 dispose of any property that which is no longer needed by the
29 department.

30 (10)

31

1 (c) The department is authorized to adopt rules
2 relating to approval of aggregate and other material sources.

3 Section 7. Subsection (4) is added to section 334.187,
4 Florida Statutes, to read:

5 334.187 Guarantee of obligations to the department.--

6 (4) The department is authorized to adopt rules
7 relating to the use of prepaid escrow accounts for purchases
8 from the department.

9 Section 8. Subsection (3) of section 335.02, Florida
10 Statutes, is amended to read:

11 335.02 Authority to designate transportation
12 facilities and rights-of-way and establish lanes; procedure
13 for redesignation and relocation.--

14 (3) The department may establish standards for lanes
15 on the State Highway System, including the Florida Intrastate
16 Highway System established pursuant to s. 338.001. In
17 determining the number of lanes for any regional corridor or
18 section of highway on the State Highway System to be funded by
19 the department with state or federal funds, the department
20 shall evaluate all alternatives and seek to achieve the
21 highest degree of efficient mobility for corridor users. In
22 conducting the analysis, the department must give
23 consideration to the following factors consistent with sound
24 engineering principles:

25 (a) Overall economic importance of the corridor as a
26 trade or tourism corridor.

27 (b) Safety of corridor users, including the importance
28 of the corridor for evacuation purposes.

29 (c) Cost-effectiveness of alternative methods of
30 increasing the mobility of corridor users.

31

1 (d) Current and projected traffic volumes on the
2 corridor.

3 (e) Multimodal alternatives.

4 (f) Use of intelligent transportation technology in
5 increasing the efficiency of the corridor.

6 (g) Compliance with state and federal policies related
7 to clean air, environmental impacts, growth management,
8 livable communities, and energy conservation.

9 (h) Addition of special use lanes, such as exclusive
10 truck lanes, high-occupancy-vehicle toll lanes, and exclusive
11 interregional traffic lanes.

12 (i) Availability and cost of rights-of-way, including
13 associated costs, and the most effective use of existing
14 rights-of-way.

15 (j) Regional economic and transportation objectives,
16 where articulated.

17 (k) The future land use plan element of local
18 government comprehensive plans, as appropriate, including
19 designated urban infill and redevelopment areas.

20 (l) The traffic circulation element, if applicable, of
21 local government comprehensive plans, including designated
22 transportation corridors and public transportation corridors.

23 (m) The approved metropolitan planning organization's
24 long-range transportation plan, as appropriate.

25
26 This subsection does not preclude a number of lanes in excess
27 of 10 lanes, but an additional factor that must be considered
28 before the department may determine that the number of lanes
29 should be more than 10 is the capacity to accommodate in the
30 future alternative forms of transportation within existing or
31 potential rights-of-way.~~The standards may include the maximum~~

1 ~~number of lanes to be provided by state funds and access~~
2 ~~requirements for such facilities.~~

3 Section 9. Paragraph (b) of subsection (1) of section
4 336.025, Florida Statutes, is amended to read:

5 336.025 County transportation system; levy of local
6 option fuel tax on motor fuel and diesel fuel.--

7 (1)

8 (b) In addition to other taxes allowed by law, there
9 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
10 3-cent, 4-cent, or 5-cent local option fuel tax upon every
11 gallon of motor fuel sold in a county and taxed under the
12 provisions of part I of chapter 206. The tax shall be levied
13 by an ordinance adopted by a majority plus one vote of the
14 membership of the governing body of the county or by
15 referendum.

16 1. The tax shall be levied before July 1, to be
17 effective January 1 of the following year. However, levies of
18 the tax which were in effect on July 1, 1996, and which expire
19 on August 31 of any year may be reimposed effective September
20 1 of the year of expiration.

21 2. The county may, prior to levy of the tax, establish
22 by interlocal agreement with one or more municipalities
23 located therein, representing a majority of the population of
24 the incorporated area within the county, a distribution
25 formula for dividing the entire proceeds of the tax among
26 county government and all eligible municipalities within the
27 county. If no interlocal agreement is adopted before the
28 effective date of the tax, tax revenues shall be distributed
29 pursuant to the provisions of subsection (4). If no
30 interlocal agreement exists, a new interlocal agreement may be
31 established prior to June 1 of any year pursuant to this

1 subparagraph. However, any interlocal agreement agreed to
2 under this subparagraph after the initial levy of the tax or
3 change in the tax rate authorized in this section shall under
4 no circumstances materially or adversely affect the rights of
5 holders of outstanding bonds which are backed by taxes
6 authorized by this paragraph, and the amounts distributed to
7 the county government and each municipality shall not be
8 reduced below the amount necessary for the payment of
9 principal and interest and reserves for principal and interest
10 as required under the covenants of any bond resolution
11 outstanding on the date of establishment of the new interlocal
12 agreement.

13 3. County and municipal governments shall utilize
14 moneys received pursuant to this paragraph only for
15 transportation expenditures needed to meet the requirements of
16 the capital improvements element of an adopted comprehensive
17 plan. For purposes of this paragraph, expenditures for the
18 construction of new roads, ~~or~~ the reconstruction or
19 resurfacing of existing paved roads, or the paving of existing
20 graded roads when undertaken in part to relieve or mitigate
21 existing or potential adverse environmental impacts, shall be
22 deemed to increase capacity and such projects shall be
23 included in the capital improvements element of an adopted
24 comprehensive plan. Expenditures for purposes of this
25 paragraph shall not include routine maintenance of roads.

26 Section 10. Section 337.025, Florida Statutes, is
27 amended to read:

28 337.025 Innovative highway projects; department to
29 establish program.--The department is authorized to establish
30 a program for highway projects demonstrating innovative
31 techniques of highway construction, maintenance, and finance

1 which have the intended effect of controlling time and cost
2 increases on construction projects. Such techniques may
3 include, but are not limited to, state-of-the-art technology
4 for pavement, safety, and other aspects of highway
5 construction and maintenance; innovative bidding and financing
6 techniques; accelerated construction procedures; and those
7 techniques that have the potential to reduce project life
8 cycle costs. To the maximum extent practical, the department
9 must use the existing process to award and administer
10 construction and maintenance contracts. When specific
11 innovative techniques are to be used, the department is not
12 required to adhere to those provisions of law that would
13 prevent, preclude, or in any way prohibit the department from
14 using the innovative technique. However, prior to using an
15 innovative technique that is inconsistent with another
16 provision of law, the department must document in writing the
17 need for the exception and identify what benefits the
18 traveling public and the affected community are anticipated to
19 receive. The department may enter into no more than \$120
20 million in contracts annually for the purposes authorized by
21 this section.

22 Section 11. Section 334.035, Florida Statutes, is
23 amended to read:

24 334.035 Purpose of transportation code.--The purpose
25 of the Florida Transportation Code is to establish the
26 responsibilities of the state, the counties, and the
27 municipalities in the planning and development of the
28 transportation systems serving the people of the state and to
29 assure the development of an integrated, balanced statewide
30 transportation system. The prevailing principles to be
31 considered in planning and developing these transportation

1 systems are: preserving the existing transportation
2 infrastructure; enhancing Florida's economic competitiveness;
3 and improving travel choices to ensure mobility ~~which enhances~~
4 ~~economic development through promotion of international trade~~
5 ~~and interstate and intrastate commerce.~~ This code is necessary
6 for the protection of the public safety and general welfare
7 and for the preservation of all transportation facilities in
8 the state. The chapters in the code shall be considered
9 components of the total code, and the provisions therein,
10 unless expressly limited in scope, shall apply to all
11 chapters.

12 Section 12. Section 334.046, Florida Statutes, is
13 amended to read:

14 334.046 Department mission, goals, and objectives.--

15 (1) The prevailing principles to be considered in
16 planning and developing an integrated, balanced statewide
17 transportation system are: preserving the existing
18 transportation infrastructure; enhancing Florida's economic
19 competitiveness; and improving travel choices to ensure
20 mobility.

21 (2)~~(1)~~ The mission of the Department of Transportation
22 shall be to provide a safe, ~~interconnected~~ statewide
23 transportation system ~~for Florida's citizens and visitors~~ that
24 ensures the mobility of people and goods freight, enhances
25 ~~while enhancing~~ economic prosperity, and preserves and
26 sustaining the quality of our environment and communities.

27 (3)~~(2)~~ The department shall document in the Florida
28 Transportation Plan, in accordance with s. 339.155 and based
29 upon the prevailing principles of preserving the existing
30 transportation infrastructure, enhancing Florida's economic
31 competitiveness, and improving travel choices to ensure

1 ~~mobility, pursuant to s. 339.155~~ the goals and objectives that
2 ~~which~~ provide statewide policy guidance for accomplishing the
3 department's mission.

4 ~~(4)(3)~~ At a minimum, the department's goals shall
5 address the following prevailing principles.+

6 (a) Preservation.--Protecting the state's
7 transportation infrastructure investment. Preservation
8 includes:

9 1. Ensuring that 80 percent of the pavement on the
10 State Highway System meets department standards;

11 2. Ensuring that 90 percent of department-maintained
12 bridges meet department standards; and

13 3. Ensuring that the department achieves 100 percent
14 of the acceptable maintenance standard on the state highway
15 system.

16 (b) Economic Competitiveness.--Ensuring that the state
17 has a clear understanding of the economic consequences of
18 transportation investments, and how such investments affect
19 the state's economic competitiveness. The department must
20 develop a macroeconomic analysis of the linkages between
21 transportation investment and economic performance, as well as
22 a method to quantifiably measure the economic benefits of the
23 district-work-program investments. Such an analysis must
24 analyze:

25 1. The state's and district's economic performance
26 relative to the competition.

27 2. The business environment as viewed from the
28 perspective of companies evaluating the state as a place in
29 which to do business.

30 3. The state's capacity to sustain long-term growth.
31

1 (c) Mobility--Ensuring a cost-effective, statewide,
2 interconnected transportation system.

3 ~~(a) Providing a safe transportation system for~~
4 ~~residents, visitors, and commerce.~~

5 ~~(b) Preservation of the transportation system.~~

6 ~~(c) Providing an interconnected transportation system~~
7 ~~to support Florida's economy.~~

8 ~~(d) Providing travel choices to support Florida's~~
9 ~~communities.~~

10 Section 13. Section 337.175, Florida Statutes, is
11 amended to read:

12 337.175 Retainage.--The department may ~~shall~~ provide
13 in its construction contracts for retaining a portion of the
14 amount due a contractor for work that the contractor has
15 completed, until completion and final acceptance of the
16 project by the department. If the department allows ~~However,~~
17 contractors may ~~shall be allowed to~~ substitute securities as
18 provided by s. 255.052, or ~~to~~ substitute certificates of
19 deposit or irrevocable letters of credit approved by the
20 department comptroller in lieu of retainage.

21 Section 14. Subsection (1) of section 337.18, Florida
22 Statutes, is amended to read:

23 337.18 Surety bonds; requirement with respect to
24 contract award; defaults; damage assessments.--

25 (1) A surety bond shall be required of the successful
26 bidder in an amount equal to the awarded contract price. For a
27 project for which the contract price is \$150,000 or less, the
28 department may waive the requirement for all or a portion of a
29 surety bond if it determines the project is of a noncritical
30 nature and nonperformance will not endanger public health,
31 safety, or property. The department may require alternate

1 means of security if a surety bond is waived. The surety on
2 such bond shall be a surety company authorized to do business
3 in the state. All bonds shall be payable to the department and
4 conditioned for the prompt, faithful, and efficient
5 performance of the contract according to plans and
6 specifications and within the time period specified, and for
7 the prompt payment of all persons furnishing labor, material,
8 equipment, and supplies therefor; however, whenever an
9 improvement, demolition, or removal contract price is \$25,000
10 or less, the security may, in the discretion of the bidder, be
11 in the form of a cashier's check, bank money order of any
12 state or national bank, certified check, or postal money
13 order. The department shall adopt rules to implement this
14 subsection. Such rules shall include provisions under which
15 the department shall refuse to accept bonds on contracts when
16 a surety wrongfully fails or refuses to settle or provide a
17 defense for claims or actions arising under a contract for
18 which the surety previously furnished a bond.

19 Section 15. Subsection (1) of section 338.155, Florida
20 Statutes, is amended to read:

21 338.155 Payment of toll on toll facilities required;
22 exemptions.--

23 (1) No persons are permitted to use any toll facility
24 without payment of tolls, except employees of the agency
25 operating the toll project when using the toll facility on
26 official state business, state military personnel while on
27 official military business, handicapped persons as provided in
28 this section, persons exempt from toll payment by the
29 authorizing resolution for bonds issued to finance the
30 facility, and persons exempt on a temporary basis where use of
31 such toll facility is required as a detour route. Any Florida

1 highway patrol officer, sheriff, deputy sheriff, or municipal
2 police officer operating a marked official vehicle is exempt
3 from toll payment when on official law enforcement business.
4 The secretary, or the secretary's designee, may suspend the
5 payment of tolls on a toll facility when necessary to assist
6 in emergency evacuation. The failure to pay a prescribed toll
7 constitutes a noncriminal traffic infraction, punishable as a
8 moving violation pursuant to s. 318.18. The department is
9 authorized to adopt rules relating to guaranteed toll
10 accounts.

11 Section 16. Subsection (1) of section 338.161, Florida
12 Statutes, is amended to read:

13 338.161 Authority of department to advertise and
14 promote electronic toll collection.--

15 (1) The department is authorized to incur expenses for
16 paid advertising, marketing, and promotion of toll facilities
17 and electronic toll collection products and services.
18 Promotions may include discounts and free products.

19 Section 17. Subsection (6) of section 338.165, Florida
20 Statutes, is amended to read:

21 338.165 Continuation of tolls.--

22 (6) Notwithstanding the provisions of subsection (1),
23 and not including high occupancy toll lanes or express lanes,
24 no tolls may be charged for use of an interstate highway where
25 tolls were not charged as of July 1, 1997.

26 Section 18. Subsection (2) of section 339.09, Florida
27 Statutes, is amended to read:

28 339.09 Use of transportation tax revenues;
29 restrictions.--

30 (2) The department may, in cooperation with the
31 Federal Government, expend transportation tax revenues

1 pursuant to rules adopted by the department, for control of
2 undesirable rodents, relocation assistance, and moving costs
3 of persons displaced by highway construction and other related
4 transportation projects to the extent, but only to the extent,
5 required by federal law to be undertaken by the state to
6 continue to be eligible for federal highway funds.

7 Section 19. Section 339.155, Florida Statutes, is
8 amended to read:

9 339.155 Transportation planning.--

10 (1) THE FLORIDA TRANSPORTATION PLAN.--The department
11 shall develop and annually update a statewide transportation
12 plan, to be known as the Florida Transportation Plan. The plan
13 shall be designed so as to be easily read and understood by
14 the general public. The purpose of the Florida Transportation
15 Plan is to establish and define the state's long-range
16 transportation goals and objectives to be accomplished over a
17 period of at least 20 years within the context of the State
18 Comprehensive Plan, and any other statutory mandates and
19 authorizations and based upon the prevailing principles of:
20 preserving the existing transportation infrastructure;
21 enhancing Florida's economic competitiveness; and improving
22 travel choices to ensure mobility. The Florida Transportation
23 Plan shall consider the needs of the entire state
24 transportation system and examine the use of all modes of
25 transportation to effectively and efficiently meet such needs.

26 (2) SCOPE OF PLANNING PROCESS.--

27 ~~(a)~~ The department shall carry out a transportation
28 planning process in conformance with s. 334.046(1) which ~~that~~
29 provides for consideration of projects and strategies that
30 will:

31

1 (a)1. Support the economic vitality of the United
2 States, Florida, and the metropolitan areas, especially by
3 enabling global competitiveness, productivity, and efficiency;

4 (b)2. Increase the safety and security of the
5 transportation system for motorized and nonmotorized users;

6 (c)3. Increase the accessibility and mobility options
7 available to people and for freight;

8 (d)4. Protect and enhance the environment, promote
9 energy conservation, and improve quality of life;

10 (e)5. Enhance the integration and connectivity of the
11 transportation system, across and between modes throughout
12 Florida, for people and freight;

13 (f)6. Promote efficient system management and
14 operation; and

15 (g)7. Emphasize the preservation of the existing
16 transportation system.

17 ~~(b) Additionally, the department shall consider:~~

18 ~~1. With respect to nonmetropolitan areas, the concerns~~
19 ~~of local elected officials representing units of general~~
20 ~~purpose local government;~~

21 ~~2. The concerns of Indian tribal governments and~~
22 ~~federal land management agencies that have jurisdiction over~~
23 ~~land within the boundaries of Florida; and~~

24 ~~3. Coordination of transportation plans, programs, and~~
25 ~~planning activities with related planning activities being~~
26 ~~carried out outside of metropolitan planning areas.~~

27 ~~(c) The results of the management systems required~~
28 ~~pursuant to federal laws and regulations.~~

29 ~~(d) Any federal, state, or local energy use goals,~~
30 ~~objectives, programs, or requirements.~~

31

1 ~~(e) Strategies for incorporating bicycle~~
2 ~~transportation facilities and pedestrian walkways in projects~~
3 ~~where appropriate throughout the state.~~

4 ~~(f) International border crossings and access to~~
5 ~~ports, airports, spaceports, intermodal transportation~~
6 ~~facilities, major freight distribution routes, national parks,~~
7 ~~recreation and scenic areas, monuments and historic sites, and~~
8 ~~military installations.~~

9 ~~(g) The transportation needs of nonmetropolitan areas~~
10 ~~through a process that includes consultation with local~~
11 ~~elected officials with jurisdiction over transportation.~~

12 ~~(h) Consistency of the plan, to the maximum extent~~
13 ~~feasible, with strategic regional policy plans, metropolitan~~
14 ~~planning organization plans, and approved local government~~
15 ~~comprehensive plans so as to contribute to the management of~~
16 ~~orderly and coordinated community development.~~

17 ~~(i) Connectivity between metropolitan areas within the~~
18 ~~state and with metropolitan areas in other states.~~

19 ~~(j) Recreational travel and tourism.~~

20 ~~(k) Any state plan developed pursuant to the Federal~~
21 ~~Water Pollution Control Act.~~

22 ~~(l) Transportation system management and investment~~
23 ~~strategies designed to make the most efficient use of existing~~
24 ~~transportation facilities.~~

25 ~~(m) The total social, economic, energy, and~~
26 ~~environmental effects of transportation decisions on the~~
27 ~~community and region.~~

28 ~~(n) Methods to manage traffic congestion and to~~
29 ~~prevent traffic congestion from developing in areas where it~~
30 ~~does not yet occur, including methods which reduce motor~~
31 ~~vehicle travel, particularly single-occupant vehicle travel.~~

1 ~~(o) Methods to expand and enhance transit services and~~
2 ~~to increase the use of such services.~~

3 ~~(p) The effect of transportation decisions on land use~~
4 ~~and land development, including the need for consistency~~
5 ~~between transportation decisionmaking and the provisions of~~
6 ~~all applicable short-range and long-range land use and~~
7 ~~development plans.~~

8 ~~(q) Where appropriate, the use of innovative~~
9 ~~mechanisms for financing projects, including value capture~~
10 ~~pricing, tolls, and congestion pricing.~~

11 ~~(r) Preservation and management of rights-of-way for~~
12 ~~construction of future transportation projects, including~~
13 ~~identification of unused rights-of-way which may be needed for~~
14 ~~future transportation corridors, and identification of those~~
15 ~~corridors for which action is most needed to prevent~~
16 ~~destruction or loss.~~

17 ~~(s) Future, as well as existing, needs of the state~~
18 ~~transportation system.~~

19 ~~(t) Methods to enhance the efficient movement of~~
20 ~~commercial motor vehicles.~~

21 ~~(u) The use of life-cycle costs in the design and~~
22 ~~engineering of bridges, tunnels, or pavement.~~

23 ~~(v) Investment strategies to improve adjoining state~~
24 ~~and local roads that support rural economic growth and tourism~~
25 ~~development, federal agency renewable resources management,~~
26 ~~and multipurpose land management practices, including~~
27 ~~recreation development.~~

28 ~~(w) The concerns of Indian tribal governments having~~
29 ~~jurisdiction over lands within the boundaries of the state.~~

30 ~~(x) A seaport or airport master plan, which has been~~
31 ~~incorporated into an approved local government comprehensive~~

1 ~~plan, and the linkage of transportation modes described in~~
2 ~~such plan which are needed to provide for the movement of~~
3 ~~goods and passengers between the seaport or airport and the~~
4 ~~other transportation facilities.~~

5 ~~(y) The spaceport master plan approved by the~~
6 ~~Spaceport Florida Authority.~~

7 ~~(z) The joint use of transportation corridors and~~
8 ~~major transportation facilities for alternate transportation~~
9 ~~and community uses.~~

10 ~~(aa) The integration of any proposed system into all~~
11 ~~other types of transportation facilities in the community.~~

12 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
13 Transportation Plan shall be a unified, concise planning
14 document that clearly defines the state's long-range
15 transportation goals and objectives and documents the
16 department's short-range objectives developed to further such
17 goals and objectives. The plan shall include a glossary that
18 clearly and succinctly defines any and all phrases, words, or
19 terms of art included in the plan, with which the general
20 public may be unfamiliar and shall consist of, at a minimum,
21 the following components:

22 (a) A long-range component documenting the goals and
23 long-term objectives necessary to implement the results of the
24 department's findings from its examination of the criteria
25 listed in subsection (2) and s. 334.046(1). The long-range
26 component must be developed in cooperation with the
27 metropolitan planning organizations and reconciled, to the
28 maximum extent feasible, with the long-range plans developed
29 by metropolitan planning organizations pursuant to s. 339.175.
30 The plan must also be developed in consultation with affected
31 local officials in nonmetropolitan areas and with any affected

1 Indian tribal governments. The plan must provide an
2 examination of transportation issues likely to arise during at
3 least a 20-year period. The long-range component shall be
4 updated at least once every 5 years, or more often as
5 necessary, to reflect substantive changes to federal or state
6 law.

7 (b) A short-range component documenting the short-term
8 objectives and strategies necessary to implement the goals and
9 long-term objectives contained in the long-range component.

10 The short-range component must define the relationship between
11 the long-range goals and the short-range objectives, specify
12 those objectives against which the department's achievement of
13 such goals will be measured, and identify transportation
14 strategies necessary to efficiently achieve the goals and
15 objectives in the plan. It must provide a policy framework
16 within which the department's legislative budget request, the
17 strategic information resource management plan, and the work
18 program are developed. The short-range component shall serve
19 as the department's annual agency strategic plan pursuant to
20 s. 186.021. The short-range component shall be developed
21 consistent with the requirements of s. 186.022 and consistent
22 with available and forecasted state and federal funds. In
23 addition to those entities listed in s. 186.022, the
24 short-range component shall also be submitted to the Florida
25 Transportation Commission.

26 (4) ANNUAL PERFORMANCE REPORT.--The department shall
27 develop an annual performance report evaluating the operation
28 of the department for the preceding fiscal year. The report,
29 which shall meet the requirements of s. 186.022, shall also
30 include a summary of the financial operations of the
31 department and shall annually evaluate how well the adopted

1 work program meets the short-term objectives contained in the
2 short-range component of the Florida Transportation Plan. In
3 addition to the entities listed in s. 186.022, this
4 performance report shall also be submitted to the Florida
5 Transportation Commission and the legislative appropriations
6 and transportation committees.

7 (5) ADDITIONAL TRANSPORTATION PLANS.--

8 (a) Upon request by local governmental entities, the
9 department may in its discretion develop and design
10 transportation corridors, arterial and collector streets,
11 vehicular parking areas, and other support facilities which
12 are consistent with the plans of the department for major
13 transportation facilities. The department may render to local
14 governmental entities or their planning agencies such
15 technical assistance and services as are necessary so that
16 local plans and facilities are coordinated with the plans and
17 facilities of the department.

18 (b) Each regional planning council, as provided for in
19 s. 186.504, or any successor agency thereto, shall develop, as
20 an element of its strategic regional policy plan,
21 transportation goals and policies. The transportation goals
22 and policies must be prioritized to comply with the prevailing
23 principles provided in subsection (2) and s. 334.046(1).The
24 transportation goals and policies shall be consistent, to the
25 maximum extent feasible, with the goals and policies of the
26 metropolitan planning organization and the Florida
27 Transportation Plan. The transportation goals and policies of
28 the regional planning council will be advisory only and shall
29 be submitted to the department and any affected metropolitan
30 planning organization for their consideration and comments.
31 Metropolitan planning organization plans and other local

1 transportation plans shall be developed consistent, to the
2 maximum extent feasible, with the regional transportation
3 goals and policies. The regional planning council shall
4 review urbanized area transportation plans and any other
5 planning products stipulated in s. 339.175 and provide the
6 department and respective metropolitan planning organizations
7 with written recommendations which the department and the
8 metropolitan planning organizations shall take under
9 advisement. Further, the regional planning councils shall
10 directly assist local governments which are not part of a
11 metropolitan area transportation planning process in the
12 development of the transportation element of their
13 comprehensive plans as required by s. 163.3177.

14 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
15 TRANSPORTATION PLANNING.--

16 (a) During the development of the long-range component
17 of the Florida Transportation Plan and prior to substantive
18 revisions, the department shall provide citizens, affected
19 public agencies, representatives of transportation agency
20 employees, other affected employee representatives, private
21 providers of transportation, and other known interested
22 parties with an opportunity to comment on the proposed plan or
23 revisions. These opportunities shall include, at a minimum,
24 publishing a notice in the Florida Administrative Weekly and
25 within a newspaper of general circulation within the area of
26 each department district office.

27 (b) During development of major transportation
28 improvements, such as those increasing the capacity of a
29 facility through the addition of new lanes or providing new
30 access to a limited or controlled access facility or
31 construction of a facility in a new location, the department

1 shall hold one or more hearings prior to the selection of the
2 facility to be provided; prior to the selection of the site or
3 corridor of the proposed facility; and prior to the selection
4 of and commitment to a specific design proposal for the
5 proposed facility. Such public hearings shall be conducted so
6 as to provide an opportunity for effective participation by
7 interested persons in the process of transportation planning
8 and site and route selection and in the specific location and
9 design of transportation facilities. The various factors
10 involved in the decision or decisions and any alternative
11 proposals shall be clearly presented so that the persons
12 attending the hearing may present their views relating to the
13 decision or decisions which will be made.

14 (c) Opportunity for design hearings:

15 1. The department, prior to holding a design hearing,
16 shall duly notify ~~notice~~ all affected property owners of
17 record, as recorded in the property appraiser's office, by
18 mail at least 20 days prior to the date set for the hearing.
19 The affected property owners shall be:

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

23 b. Those whom ~~who~~ the department determines will be
24 substantially affected environmentally, economically,
25 socially, or safetywise.

26 2. For each subsequent hearing, the department shall
27 ~~daily~~ publish notice ~~at least 14 days~~ immediately prior to the
28 hearing date in a newspaper of general circulation for the
29 area affected. These notices must be published twice, with the
30 first notice appearing at least 15 days, but no later than 30
31 days, before the hearing

1 3. A copy of the notice of opportunity for the hearing
2 must ~~shall~~ be furnished to the United States Department of
3 Transportation and to the appropriate departments of the state
4 government at the time of publication.

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

10 5. The opportunity for a hearing shall be afforded in
11 each case in which the department is in doubt as to whether a
12 hearing is required.

13 Section 20. Subsections (1) through (6) and paragraph
14 (a) of subsection (7) of section 339.175, Florida Statutes, is
15 amended to read:

16 339.175 Metropolitan planning organization.--It is the
17 intent of the Legislature to encourage and promote the safe
18 and efficient management, operation, and development of
19 surface transportation systems that will serve the mobility
20 needs of people and freight within and through urbanized areas
21 of this state while minimizing transportation-related fuel
22 consumption and air pollution. To accomplish these objectives,
23 metropolitan planning organizations, referred to in this
24 section as M.P.O.'s, shall develop, in cooperation with the
25 state and public transit operators, transportation plans and
26 programs for metropolitan areas. The plans and programs for
27 each metropolitan area must provide for the development and
28 integrated management and operation of transportation systems
29 and facilities, including pedestrian walkways and bicycle
30 transportation facilities that will function as an intermodal
31 transportation system for the metropolitan area, based upon

1 the prevailing principles provided in s. 334.046(1). The
2 process for developing such plans and programs shall provide
3 for consideration of all modes of transportation and shall be
4 continuing, cooperative, and comprehensive, to the degree
5 appropriate, based on the complexity of the transportation
6 problems to be addressed.

7 (1) DESIGNATION.--

8 (a)1. An M.P.O. shall be designated for each urbanized
9 area of the state. Such designation shall be accomplished by
10 agreement between the Governor and units of general-purpose
11 local government representing at least 75 percent of the
12 population of the urbanized area; however, the unit of
13 general-purpose local government that represents the central
14 city or cities within the M.P.O. jurisdiction, as defined by
15 the United States Bureau of the Census, must be a party to
16 such agreement.

17 2. More than one M.P.O. may be designated within an
18 existing metropolitan planning area only if the Governor and
19 the existing M.P.O. determine that the size and complexity of
20 the existing metropolitan planning area makes the designation
21 of more than one M.P.O. for the area appropriate.

22 (b) Each M.P.O. shall be created and operated under
23 the provisions of this section pursuant to an interlocal
24 agreement entered into pursuant to s. 163.01. The signatories
25 to the interlocal agreement shall be the department and the
26 governmental entities designated by the Governor for
27 membership on the M.P.O. If there is a conflict between this
28 section and s. 163.01, this section prevails.

29 (c) The jurisdictional boundaries of an M.P.O. shall
30 be determined by agreement between the Governor and the
31 applicable M.P.O. The boundaries must include at least the

1 metropolitan planning area, which is the existing urbanized
2 area and the contiguous area expected to become urbanized
3 within a 20-year forecast period, and may encompass the entire
4 metropolitan statistical area or the consolidated metropolitan
5 statistical area.

6 (d) In the case of an urbanized area designated as a
7 nonattainment area for ozone or carbon monoxide under the
8 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
9 the metropolitan planning area in existence as of the date of
10 enactment of this paragraph shall be retained, except that the
11 boundaries may be adjusted by agreement of the Governor and
12 affected metropolitan planning organizations in the manner
13 described in this section. If more than one M.P.O. has
14 authority within a metropolitan area or an area that is
15 designated as a nonattainment area, each M.P.O. shall consult
16 with other M.P.O.'s designated for such area and with the
17 state in the coordination of plans and programs required by
18 this section.

19

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

22 (2) VOTING MEMBERSHIP.--

23 (a) The voting membership of an M.P.O. shall consist
24 of not fewer than 5 or more than 19 apportioned members, the
25 exact number to be determined on an equitable
26 geographic-population ratio basis by the Governor, based on an
27 agreement among the affected units of general-purpose local
28 government as required by federal rules and regulations. The
29 Governor, in accordance with 23 U.S.C. s. 134, may also
30 provide for M.P.O. members who represent municipalities to
31 alternate with representatives from other municipalities

1 within the metropolitan planning area that do not have members
2 on the M.P.O. County commission members shall compose not less
3 than one-third of the M.P.O. membership, except for an M.P.O.
4 with more than 15 members located in a county with a
5 five-member county commission or an M.P.O. with 19 members
6 located in a county with no more than 6 county commissioners,
7 in which case county commission members may compose less than
8 one-third percent of the M.P.O. membership, but all county
9 commissioners must be members. All voting members shall be
10 elected officials of general-purpose governments, except that
11 an M.P.O. may include, as part of its apportioned voting
12 members, a member of a statutorily authorized planning board,
13 an official of an agency that operates or administers a major
14 mode of transportation, or an official of the Spaceport
15 Florida Authority. The county commission shall compose not
16 less than 20 percent of the M.P.O. membership if an official
17 of an agency that operates or administers a major mode of
18 transportation has been appointed to an M.P.O.

19 (b) In metropolitan areas in which authorities or
20 other agencies have been or may be created by law to perform
21 transportation functions that are not under the jurisdiction
22 of a general purpose local government represented on the
23 M.P.O., they shall be provided voting membership on the M.P.O.
24 In all other M.P.O.'s where transportation authorities or
25 agencies are to be represented by elected officials from
26 general purpose local governments, the M.P.O. shall establish
27 a process by which the collective interests of such
28 authorities or other agencies are expressed and conveyed.

29 (c) Any other provision of this section to the
30 contrary notwithstanding, a chartered county with over 1
31 million population may elect to reapportion the membership of

1 an M.P.O. whose jurisdiction is wholly within the county. The
2 charter county may exercise the provisions of this paragraph
3 if:

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

6 2. The M.P.O. and the charter county determine that
7 the reapportionment plan is needed to fulfill specific goals
8 and policies applicable to that metropolitan planning area;
9 and

10 3. The charter county determines the reapportionment
11 plan otherwise complies with all federal requirements
12 pertaining to M.P.O. membership.

13

14 Any charter county that elects to exercise the provisions of
15 this paragraph shall notify the Governor in writing.

16 (d) Any other provision of this section to the
17 contrary notwithstanding, any county chartered under s. 6(e),
18 Art. VIII of the State Constitution may elect to have its
19 county commission serve as the M.P.O., if the M.P.O.
20 jurisdiction is wholly contained within the county. Any
21 charter county that elects to exercise the provisions of this
22 paragraph shall so notify the Governor in writing. Upon
23 receipt of such notification, the Governor must designate the
24 county commission as the M.P.O. The Governor must appoint
25 four additional voting members to the M.P.O., one of whom must
26 be an elected official representing a municipality within the
27 county, one of whom must be an expressway authority member,
28 one of whom must be a person who does not hold elected public
29 office and who resides in the unincorporated portion of the
30 county, and one of whom must be a school board member.

31 (3) APPORTIONMENT.--

1 (a) The Governor shall, with the agreement of the
2 affected units of general-purpose local government as required
3 by federal rules and regulations, apportion the membership on
4 the applicable M.P.O. among the various governmental entities
5 within the area and shall prescribe a method for appointing
6 alternate members who may vote at any M.P.O. meeting that an
7 alternate member attends in place of a regular member. An
8 appointed alternate member must be an elected official serving
9 the same governmental entity or a general-purpose local
10 government with jurisdiction within all or part of the area
11 that the regular member serves. The governmental entity so
12 designated shall appoint the appropriate number of members to
13 the M.P.O. from eligible officials. Representatives of the
14 department shall serve as nonvoting members of the M.P.O.
15 Nonvoting advisers may be appointed by the M.P.O. as deemed
16 necessary. The Governor shall review the composition of the
17 M.P.O. membership in conjunction with the decennial census as
18 prepared by the United States Department of Commerce, Bureau
19 of the Census, and reapportion it as necessary to comply with
20 subsection (2).

21 (b) Except for members who represent municipalities on
22 the basis of alternating with representatives from other
23 municipalities that do not have members on the M.P.O. as
24 provided in paragraph (2)(a), the members of an M.P.O. shall
25 serve 4-year terms. Members who represent municipalities on
26 the basis of alternating with representatives from other
27 municipalities that do not have members on the M.P.O. as
28 provided in paragraph (2)(a) may serve terms of up to 4 years
29 as further provided in the interlocal agreement described in
30 paragraph (1)(b). The membership of a member who is a public
31 official automatically terminates upon the member's leaving

1 his or her elective or appointive office for any reason, or
2 may be terminated by a majority vote of the total membership
3 of a county or city governing entity represented by the
4 member. A vacancy shall be filled by the original appointing
5 entity. A member may be reappointed for one or more
6 additional 4-year terms.

7 (c) If a governmental entity fails to fill an assigned
8 appointment to an M.P.O. within 60 days after notification by
9 the Governor of its duty to appoint, that appointment shall be
10 made by the Governor from the eligible representatives of that
11 governmental entity.

12 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
13 responsibility of an M.P.O. is to manage a continuing,
14 cooperative, and comprehensive transportation planning process
15 that, based upon the prevailing principles provided in s.
16 334.046(1), results in the development of plans and programs
17 which are consistent, to the maximum extent feasible, with the
18 approved local government comprehensive plans of the units of
19 local government the boundaries of which are within the
20 metropolitan area of the M.P.O. An M.P.O. shall be the forum
21 for cooperative decisionmaking by officials of the affected
22 governmental entities in the development of the plans and
23 programs required by subsections (5), (6), (7), and (8).

24 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
25 privileges, and authority of an M.P.O. are those specified in
26 this section or incorporated in an interlocal agreement
27 authorized under s. 163.01. Each M.P.O. shall perform all
28 acts required by federal or state laws or rules, now and
29 subsequently applicable, which are necessary to qualify for
30 federal aid. It is the intent of this section that each M.P.O.
31 shall be involved in the planning and programming of

1 transportation facilities, including, but not limited to,
2 airports, intercity and high-speed rail lines, seaports, and
3 intermodal facilities, to the extent permitted by state or
4 federal law.

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

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

9 2. An annually updated transportation improvement
10 program pursuant to the requirements of subsection (7); and

11 3. An annual unified planning work program pursuant to
12 the requirements of subsection (8).

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

17 1. Support the economic vitality of the metropolitan
18 area, especially by enabling global competitiveness,
19 productivity, and efficiency;

20 2. Increase the safety and security of the
21 transportation system for motorized and nonmotorized users;

22 3. Increase the accessibility and mobility options
23 available to people and for freight;

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

26 5. Enhance the integration and connectivity of the
27 transportation system, across and between modes, for people
28 and freight;

29 6. Promote efficient system management and operation;

30 and

31

1 7. Emphasize the preservation of the existing
2 transportation system.

3 ~~(c) Additionally, each M.P.O. shall consider:~~

4 ~~1. The consistency of transportation planning with~~
5 ~~applicable federal, state, and local energy conservation~~
6 ~~programs, goals, and objectives;~~

7 ~~2. The likely effect of transportation policy~~
8 ~~decisions on land use and development and the consistency of~~
9 ~~transportation plans and programs with all applicable~~
10 ~~short-term and long-term land use and development plans;~~

11 ~~3. The preservation of rights-of-way for construction~~
12 ~~of future transportation projects, including the~~
13 ~~identification of unused rights-of-way that may be needed for~~
14 ~~future transportation corridors and the identification of~~
15 ~~corridors for which action is most needed to prevent~~
16 ~~destruction or loss;~~

17 ~~4. The overall social, economic, energy, and~~
18 ~~environmental effects of transportation decisions; and~~

19 ~~5. Available methods to expand or enhance transit~~
20 ~~services and increase the use of such services.~~

21 ~~6. The possible allocation of capital investments to~~
22 ~~increase security for transit systems.~~

23 (c)(d) In order to provide recommendations to the
24 department and local governmental entities regarding
25 transportation plans and programs, each M.P.O. shall:

26 1. Prepare a congestion management system for the
27 metropolitan area and cooperate with the department in the
28 development of all other transportation management systems
29 required by state or federal law;

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

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

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

6 5. Represent all the jurisdictional areas within the
7 metropolitan area in the formulation of transportation plans
8 and programs required by this section; and

9 6. Perform all other duties required by state or
10 federal law.

11 ~~(d)(e)~~ Each M.P.O. shall appoint a technical advisory
12 committee that includes planners; engineers; representatives
13 of local aviation authorities, port authorities, and public
14 transit authorities or representatives of aviation
15 departments, seaport departments, and public transit
16 departments of municipal or county governments, as applicable;
17 the school superintendent of each county within the
18 jurisdiction of the M.P.O. or the superintendent's designee;
19 and other appropriate representatives of affected local
20 governments. In addition to any other duties assigned to it by
21 the M.P.O. or by state or federal law, the technical advisory
22 committee is responsible for considering safe access to
23 schools in its review of transportation project priorities,
24 long-range transportation plans, and transportation
25 improvement programs, and shall advise the M.P.O. on such
26 matters. In addition, the technical advisory committee shall
27 coordinate its actions with local school boards and other
28 local programs and organizations within the metropolitan area
29 which participate in school safety activities, such as locally
30 established community traffic safety teams. Local school
31 boards must provide the appropriate M.P.O. with information

1 concerning future school sites and in the coordination of
2 transportation service.~~identifying projects contained in the~~
3 ~~long-range transportation plan or transportation improvement~~
4 ~~program which deserve to be classified as a school safety~~
5 ~~concern. Upon receipt of the recommendation from the technical~~
6 ~~advisory committee that a project should be so classified, the~~
7 ~~M.P.O. must vote on whether to classify a particular project~~
8 ~~as a school safety concern. If the M.P.O. votes that a~~
9 ~~project should be classified as a school safety concern, the~~
10 ~~local governmental entity responsible for the project must~~
11 ~~consider at least two alternatives before making a decision~~
12 ~~about project location or alignment.~~

13 (e)(f)1. Each M.P.O. shall appoint a citizens'
14 advisory committee, the members of which serve at the pleasure
15 of the M.P.O. The membership on the citizens' advisory
16 committee must reflect a broad cross section of local
17 residents with an interest in the development of an efficient,
18 safe, and cost-effective transportation system. Minorities,
19 the elderly, and the handicapped must be adequately
20 represented.

21 2. Notwithstanding the provisions of subparagraph 1.,
22 an M.P.O. may, with the approval of the department and the
23 applicable federal governmental agency, adopt an alternative
24 program or mechanism to ensure citizen involvement in the
25 transportation planning process.

26 (f)(g) The department shall allocate to each M.P.O.,
27 for the purpose of accomplishing its transportation planning
28 and programming duties, an appropriate amount of federal
29 transportation planning funds.

30 (g)(h) Each M.P.O. may employ personnel or may enter
31 into contracts with local or state agencies, private planning

1 firms, or private engineering firms to accomplish its
2 transportation planning and programming duties required by
3 state or federal law.

4 (h) Any group of M.P.O.'s which has created a chair's
5 coordinating committee as of the effective date of this act
6 and is located within the same Department of Transportation
7 District which is comprised of four adjacent M.P.O.'s must
8 continue such committee as provided for in this section. Such
9 committee must also include one representative from each
10 M.P.O. contiguous to the geographic boundaries of the original
11 committee. The committee must, at a minimum:

12 1. Coordinate transportation projects deemed to be
13 regionally significant by the committee.

14 2. Review the impact of regionally significant land
15 use decisions on the region.

16 3. Review all proposed regionally significant
17 transportation projects in the respective transportation
18 improvement programs which affect more than one of the
19 M.P.O.'s represented on the committee.

20 4. Institute a conflict resolution process to address
21 any conflict that may arise in the planning and programming of
22 such regionally significant projects.

23 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
24 develop a long-range transportation plan that addresses at
25 least a 20-year planning horizon. The plan must include both
26 long-range and short-range strategies and must comply with all
27 other state and federal requirements. The prevailing
28 principles to be considered in the long-range transportation
29 plan are: preserving the existing transportation
30 infrastructure; enhancing Florida's economic competitiveness;
31 and improving travel choices to ensure mobility.The

1 long-range transportation plan must be consistent, to the
2 maximum extent feasible, with future land use elements and the
3 goals, objectives, and policies of the approved local
4 government comprehensive plans of the units of local
5 government located within the jurisdiction of the M.P.O. The
6 approved long-range transportation plan must be considered by
7 local governments in the development of the transportation
8 elements in local government comprehensive plans and any
9 amendments thereto. The long-range transportation plan must,
10 at a minimum:

11 (a) Identify transportation facilities, including, but
12 not limited to, major roadways, airports, seaports,
13 spaceports, commuter rail systems, transit systems, and
14 intermodal or multimodal terminals that will function as an
15 integrated metropolitan transportation system. The long-range
16 transportation plan must give emphasis to those transportation
17 facilities that serve national, statewide, or regional
18 functions, and must consider the goals and objectives
19 identified in the Florida Transportation Plan as provided in
20 s. 339.155. If a project is located within the boundaries of
21 more than one M.P.O., the M.P.O.'s must coordinate plans
22 regarding the project in the long-range transportation plan.

23 (b) Include a financial plan that demonstrates how the
24 plan can be implemented, indicating resources from public and
25 private sources which are reasonably expected to be available
26 to carry out the plan, and recommends any additional financing
27 strategies for needed projects and programs. The financial
28 plan may include, for illustrative purposes, additional
29 projects that would be included in the adopted long-range
30 transportation plan if reasonable additional resources beyond
31 those identified in the financial plan were available. For the

1 purpose of developing the long-range transportation plan, the
2 M.P.O. and the department shall cooperatively develop
3 estimates of funds that will be available to support the plan
4 implementation. Innovative financing techniques may be used to
5 fund needed projects and programs. Such techniques may
6 include the assessment of tolls, the use of value capture
7 financing, or the use of value pricing.

8 (c) Assess capital investment and other measures
9 necessary to:

10 1. Ensure the preservation of the existing
11 metropolitan transportation system including requirements for
12 the operation, resurfacing, restoration, and rehabilitation of
13 major roadways and requirements for the operation,
14 maintenance, modernization, and rehabilitation of public
15 transportation facilities; and

16 2. Make the most efficient use of existing
17 transportation facilities to relieve vehicular congestion and
18 maximize the mobility of people and goods.

19 (d) Indicate, as appropriate, proposed transportation
20 enhancement activities, including, but not limited to,
21 pedestrian and bicycle facilities, scenic easements,
22 landscaping, historic preservation, mitigation of water
23 pollution due to highway runoff, and control of outdoor
24 advertising.

25 (e) In addition to the requirements of paragraphs
26 (a)-(d), in metropolitan areas that are classified as
27 nonattainment areas for ozone or carbon monoxide, the M.P.O.
28 must coordinate the development of the long-range
29 transportation plan with the State Implementation Plan
30 developed pursuant to the requirements of the federal Clean
31 Air Act.

1
2 In the development of its long-range transportation plan, each
3 M.P.O. must provide the public, affected public agencies,
4 representatives of transportation agency employees, freight
5 shippers, providers of freight transportation services,
6 private providers of transportation, representatives of users
7 of public transit, and other interested parties with a
8 reasonable opportunity to comment on the long-range
9 transportation plan. The long-range transportation plan must
10 be approved by the M.P.O.

11 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
12 shall, in cooperation with the state and affected public
13 transportation operators, develop a transportation improvement
14 program for the area within the jurisdiction of the M.P.O. In
15 the development of the transportation improvement program,
16 each M.P.O. must provide the public, affected public agencies,
17 representatives of transportation agency employees, freight
18 shippers, providers of freight transportation services,
19 private providers of transportation, representatives of users
20 of public transit, and other interested parties with a
21 reasonable opportunity to comment on the proposed
22 transportation improvement program.

23 (a) Each M.P.O. is responsible for developing,
24 annually, a list of project priorities and a transportation
25 improvement program. The prevailing principles to be
26 considered by each M.P.O. when developing a list of project
27 priorities and a transportation improvement program are:
28 preserving the existing transportation infrastructure;
29 enhancing Florida's economic competitiveness; and improving
30 travel choices to ensure mobility.The transportation
31 improvement program will be used to initiate federally aided

1 transportation facilities and improvements as well as other
2 transportation facilities and improvements including transit,
3 rail, aviation, spaceport, and port facilities to be funded
4 from the State Transportation Trust Fund within its
5 metropolitan area in accordance with existing and subsequent
6 federal and state laws and rules and regulations related
7 thereto. The transportation improvement program shall be
8 consistent, to the maximum extent feasible, with the approved
9 local government comprehensive plans of the units of local
10 government whose boundaries are within the metropolitan area
11 of the M.P.O.

12 Section 21. Section 343.56, Florida Statutes, is
13 amended to read:

14 343.56 Bonds not debts or pledges of credit of
15 state.--Revenue bonds issued under the provisions of this part
16 are not debts of the state or pledges of the faith and credit
17 of the state. Such bonds are payable exclusively from
18 revenues pledged for their payment. All such bonds shall
19 contain a statement on their face that the state is not
20 obligated to pay the same or the interest thereon, except from
21 the revenues pledged for their payment, and that the faith and
22 credit of the state is not pledged to the payment of the
23 principal or interest of such bonds. The issuance of revenue
24 bonds under the provisions of this part does not directly,
25 indirectly, or contingently obligate the state to levy or to
26 pledge any form of taxation whatsoever, or to make any
27 appropriation for their payment. No state funds shall be used
28 to pay the principal or interest of any bonds issued to
29 finance or refinance any portion of the Tri-County Rail
30 system, and all such bonds shall contain a statement on their
31 face to this effect. However, federal funds being passed

1 through the department to the Tri-County Rail system and those
2 state matching funds required by the United States Department
3 of Transportation as a condition of federal funding may be
4 used to pay principal and interest of any bonds issued.

5 Section 22. Subsection (2) of section 343.63, Florida
6 Statutes, is amended to read:

7 343.63 Central Florida Regional Transportation
8 Authority.--

9 (2) The governing board of the authority shall consist
10 of 11 ~~nine~~ voting members, and one nonvoting member as
11 follows:

12 (a) The county commissions of Seminole, Orange, and
13 Osceola Counties shall each elect a commissioner as that
14 commission's representative on the board. The commissioner
15 must be a member of the county commission when elected and for
16 the full extent of his or her term. The terms of the county
17 commissioners on the governing board of the authority shall be
18 2 years.

19 (b) The mayors of the cities of Altamonte Springs,
20 Orlando, and Kissimmee, or a member of each city commission
21 designated by each mayor, shall serve a term of 2 years on the
22 board.

23 (c) The Governor shall appoint five ~~two~~ members to the
24 board ~~who are residents and qualified electors in the area~~
25 ~~served by the board.~~ Two of the members shall be residents of
26 Orange County, one member shall be a resident of Seminole
27 County, one member shall be a resident of Osceola County, and
28 one member shall be a resident of the City of Orlando. All
29 five members ~~One of the members initially appointed by the~~
30 ~~Governor shall serve a term of 2 years, and the other shall~~
31

1 serve a term of 4 years. ~~Thereafter, members appointed by the~~
2 ~~Governor shall serve a term of 4 years.~~

3 (d) The Secretary of Transportation shall appoint the
4 district secretary, or his or her designee, for the district
5 within which the area served by the authority is located and
6 this member shall be a nonvoting member.

7 Section 23. Subsection (6) is added to section 343.64,
8 Florida Statutes, to read:

9 343.64 Powers and duties.--

10 (6) The authority, through a resolution of its
11 governing board, may elect to expand its service area and
12 board partnership with any county which is a contiguous county
13 to the existing Central Florida Regional Transportation
14 Authority service area. The board shall determine the
15 conditions and terms, including the number of representatives
16 of such partnership.

17 Section 24. Notwithstanding the provisions of section
18 343.64, Florida Statutes, to the contrary, the Central Florida
19 Regional Transportation Authority shall not hire a permanent
20 executive director until the appointments to the authority's
21 governing board have been filled as required by modifications
22 in this act to section 343.63, Florida Statutes.

23 Section 25. Subsection (9) of section 427.013, Florida
24 Statutes, is amended to read:

25 427.013 The Commission for the Transportation
26 Disadvantaged; purpose and responsibilities.--The purpose of
27 the commission is to accomplish the coordination of
28 transportation services provided to the transportation
29 disadvantaged. The goal of this coordination shall be to
30 assure the cost-effective provision of transportation by
31 qualified community transportation coordinators or

1 transportation operators for the transportation disadvantaged
2 without any bias or presumption in favor of multioperator
3 systems or not-for-profit transportation operators over single
4 operator systems or for-profit transportation operators. In
5 carrying out this purpose, the commission shall:

6 (9) Develop by rule standards for community
7 transportation coordinators and any transportation operator or
8 coordination contractor from whom service is purchased or
9 arranged by the community transportation coordinator covering
10 coordination, operation, safety, insurance, eligibility for
11 service, costs, and utilization of transportation
12 disadvantaged services. These standards and rules must ~~shall~~
13 include, but are not ~~be~~ limited to:

14 (a) Inclusion, by rule, of acceptable ranges of trip
15 costs for the various modes and types of transportation
16 services provided.

17 (b) Minimum performance standards for the delivery of
18 services. These standards must ~~should~~ be included in
19 coordinator contracts and transportation operator contracts
20 with clear penalties for repeated or continuing violations.

21 (c) Minimum liability insurance requirements for all
22 transportation services purchased, provided, or coordinated
23 for the transportation disadvantaged through the community
24 transportation coordinator.

25 Section 26. Subsection (3) of section 427.0135,
26 Florida Statutes, is amended to read:

27 427.0135 Member departments; duties and
28 responsibilities.--Each member department, in carrying out the
29 policies and procedures of the commission, shall:

30 (3) Assist communities in developing coordinated
31 transportation systems designed to serve the transportation

1 disadvantaged. However, a member department may not serve as
2 the community transportation coordinator in any designated
3 service area.

4 Section 27. Subsection (2) of section 427.015, Florida
5 Statutes, is amended to read:

6 427.015 Function of the metropolitan planning
7 organization or designated official planning agency in
8 coordinating transportation for the transportation
9 disadvantaged.--

10 (2) Each metropolitan planning organization or
11 designated official planning agency shall recommend to the
12 commission a single community transportation coordinator.
13 However, a member department may not serve as the community
14 transportation coordinator in any designated service area.The
15 coordinator may provide all or a portion of needed
16 transportation services for the transportation disadvantaged
17 but shall be responsible for the provision of those
18 coordinated services. Based on approved commission evaluation
19 criteria, the coordinator shall subcontract or broker those
20 services that are more cost-effectively and efficiently
21 provided by subcontracting or brokering. The performance of
22 the coordinator shall be evaluated based on the commission's
23 approved evaluation criteria by the coordinating board at
24 least annually. A copy of the evaluation shall be submitted to
25 the metropolitan planning organization or the designated
26 official planning agency, and the commission. The
27 recommendation or termination of any community transportation
28 coordinator shall be subject to approval by the commission.

29 Section 28. Subsection (15) of section 479.01, Florida
30 Statutes, is amended to read:

31

1 479.01 Definitions.--As used in this chapter, the
2 term:

3 (15) "Premises" means all the land areas under
4 ownership or lease arrangement to the sign owner which are
5 contiguous to the business conducted on the land except for
6 instances where such land is a narrow strip contiguous to the
7 advertised activity or is connected by such narrow strip, the
8 only viable use of such land is to erect or maintain an
9 advertising sign. When the sign owner is a municipality or
10 county, "premises" shall mean all lands owned or leased by
11 such municipality or county within its jurisdictional
12 boundaries as set forth by law.

13 Section 29. Subsection (1) of section 479.16, Florida
14 Statutes, is amended to read:

15 479.16 Signs for which permits are not required.--The
16 following signs are exempt from the requirement that a permit
17 for a sign be obtained under the provisions of this chapter
18 but are required to comply with the provisions of s.
19 479.11(4)-(8):

20 (1) Signs erected on the premises of an establishment,
21 which signs consist primarily of the name of the establishment
22 or which identify the principal or accessory merchandise,
23 services, activities, or entertainment sold, produced,
24 manufactured, or furnished on the premises of the
25 establishment and which comply with the lighting restrictions
26 under department rule adopted pursuant to s. 479.11(5), or
27 signs owned by a municipality or a county located on the
28 premises of such municipality or such county which display
29 information regarding government services, activities, events,
30 or entertainment. For purposes of this section, the following
31 types of messages shall not be considered information

1 regarding government services, activities, events, or
2 entertainment:

3 (a) Messages which specifically reference any
4 commercial enterprise.

5 (b) Messages which reference a commercial sponsor of
6 any event.

7 (c) Personal messages.

8 (d) Political campaign messages.

9

10 If a sign located on the premises of an establishment consists
11 principally of brand name or trade name advertising and the
12 merchandise or service is only incidental to the principal
13 activity, or if the owner of the establishment receives rental
14 income from the sign, then the sign is not exempt under this
15 subsection.

16 Section 30. Section 552.30, Florida Statutes, is
17 created to read:

18 552.30 Construction materials mining activities.--

19 (1) Notwithstanding the provisions of s. 552.25, the
20 State Fire Marshal shall have the sole and exclusive authority
21 to promulgate standards, limits, and regulations regarding the
22 use of explosives in conjunction with construction materials
23 mining activities. Such authority to regulate use shall
24 include, directly or indirectly, the operation, handling,
25 licensure, or permitting of explosives and setting standards
26 or limits, including, but not limited to, ground vibration,
27 frequency, intensity, blast pattern, air blast and time, date,
28 occurrence, and notice restrictions. As used in this section,
29 "construction materials mining activities" means the
30 extraction of limestone and sand suitable for production of
31 construction aggregates, sand, cement, and road base materials

1 by any person or company primarily engaged in the commercial
2 mining of any such natural resources.

3 (2) The State Fire Marshal shall establish statewide
4 ground vibration limits for construction materials mining
5 activities which conform to those limits established in the
6 United States Bureau of Mines, Report of Investigations 8507,
7 Appendix B - Alternative Blasting Level Criteria (Figure B-1).
8 The State Fire Marshal may, at his or her sole discretion, by
9 rule or formal agreement, delegate to the applicable
10 municipality or county, the monitoring and enforcement
11 components of regulations governing the use of explosives, as
12 recognized in this section, by construction materials mining
13 activities. Such delegation may include the assessment and
14 collection of reasonable fees by the municipality or county
15 for the purpose of carrying out the delegated activities.

16 Section 31. Section 325.205, Florida Statutes, is
17 created to read:

18 325.205 State Implementation Plan.--Within 90 days
19 after the effective date of this bill, the Department of
20 Environmental Protection shall initiate a revision of the
21 United States Environmental Protection Agency approved State
22 Implementation Plan for the program area to back out the
23 emission credits from the motor vehicle inspection program.

24 Section 32. Effective July 1, 2000, sections 325.001,
25 325.201, 325.202, 325.203, 325.204, 325.206, 325.207,
26 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212,
27 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217,
28 325.218, and 325.219, Florida Statutes, are repealed.

29 Section 33. Subsection (7) of section 316.2935,
30 Florida Statutes, is amended to read:

31

1 316.2935 Air pollution control equipment; tampering
2 prohibited; penalty.--

3 (7) The Department of Environmental Protection shall
4 adopt rules that define the specific wording of the required
5 certification and the circumstances under which the
6 certificate is not required. In addition, the department shall
7 adopt rules as necessary to conform to requirements of federal
8 law, to establish procedures to determine compliance with this
9 section, including specifying what tampering activities
10 constitute a violation of this section, and to provide for
11 exceptions and waivers, ~~taking into account the provisions of~~
12 ~~ss. 325.203 and 325.209~~. For those rules applicable pursuant
13 to subsection (1) to licensed motor vehicle dealers for
14 certification by visual observation, the air pollution control
15 devices or systems that shall be included in such
16 certification for motor vehicles dated model year 1981 or
17 later are the catalytic converter, fuel inlet restrictor,
18 unvented fuel cap, exhaust gas recirculation system (EGR), air
19 pump and/or air injector system (AIS), and fuel evaporative
20 emissions system (EVP). The department may by rule remove or
21 add devices or systems to this test if justified by
22 developments in air pollution control technology or changes in
23 federal law.

24 Section 34. Subsection (4) of section 320.055, Florida
25 Statutes, is amended to read:

26 320.055 Registration periods; renewal periods.--The
27 following registration periods and renewal periods are
28 established:

29 (4) For a vehicle subject to registration under s.
30 320.08(13), for vehicles subject to registration under s.
31 320.08(6)(a) that are short-term rental vehicles, ~~as defined~~

1 ~~in s. 325.202(15)~~, and for any vehicle for which a
2 registration period is not otherwise specified, the
3 registration period begins June 1 and ends May 31. For a
4 vehicle subject to this registration period, the renewal
5 period is the 30-day period beginning June 1.

6 Section 35. Except as otherwise provided herein, this
7 act shall take effect upon becoming a law.

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