

Bill No. SB 1928

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Proposed Committee Substitute by the Committee on  
Transportation

1                                   A bill to be entitled

2           An act relating to transportation; amending s.

3           20.23, F.S.; providing that the salary and

4           benefits of the executive director of the

5           Florida Transportation Commission shall be set

6           in accordance with the Senior Management

7           Service; revising qualifications for district

8           secretaries and the turnpike executive

9           director; amending s. 112.061, F.S.;

10          authorizing metropolitan planning organizations

11          and certain separate entities to establish per

12          diem and travel reimbursement rates; amending

13          s. 121.021, F.S.; defining the term

14          "metropolitan planning organization" for

15          purposes of the Florida Retirement System Act;

16          revising definitions to include M.P.O.'s and

17          positions in M.P.O.'s; amending s. 121.051,

18          F.S.; providing for M.P.O.'s to participate in

19          the Florida Retirement System; amending s.

20          121.055, F.S.; requiring certain M.P.O. staff

21          positions to be in the Senior Management

22          Service Class; amending s. 121.061, F.S.;

23          providing for enforcement of certain employer

24          funding contributions required under the

25          Florida Retirement System; authorizing

26          deductions of amounts owed from certain funds

27          distributed to an M.P.O.; authorizing the

28          governing body of an M.P.O. to file and

29          maintain an action in court to require an

30          employer to remit retirement or social security

31          member contributions or employer matching

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1 payments; amending s. 121.081, F.S.; providing  
2 for M.P.O. officers and staff to claim credit  
3 for past service for retirement benefits;  
4 amending s. 215.615, F.S.; revising the  
5 Department of Transportation's requirement to  
6 share certain costs of fixed-guideway system  
7 projects; revising criteria for an interlocal  
8 agreement to establish bond financing for  
9 fixed-guideway system projects; revising  
10 provisions for sources of funds for the payment  
11 of bonds; amending s. 316.605, F.S.; providing  
12 height and placement requirements for vehicle  
13 license plates; prohibiting display that  
14 obscures identification of the letters and  
15 numbers on a license plate; providing  
16 penalties; amending s. 316.650, F.S.; revising  
17 procedures for disposition of citations issued  
18 for failure to pay toll; providing that the  
19 citation will not be submitted to the court and  
20 no points will be assessed on the driver's  
21 license if the person cited elects to make  
22 payment directly to the governmental entity  
23 that issued the citation; providing for  
24 reporting of the citation by the governmental  
25 entity to the Department of Highway Safety and  
26 Motor Vehicles; amending s. 318.14, F.S.;  
27 providing for the amount required to be paid  
28 under certain procedures for disposition of a  
29 citation issued for failure to pay toll;  
30 providing for the person cited to request a  
31 court hearing; amending s. 318.18, F.S.;

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1           revising penalties for failure to pay a  
2           prescribed toll; providing for disposition of  
3           amounts received by the clerk of court;  
4           removing procedures for withholding of  
5           adjudication; providing for suspension of a  
6           driver's license under certain circumstances;  
7           amending s. 320.061, F.S.; prohibiting  
8           interfering with the legibility, angular  
9           visibility, or detectability of any feature or  
10          detail on a license plate or interfering with  
11          the ability to record any feature or detail on  
12          a license plate; amending s. 336.025, F.S.;  
13          deleting a prohibition against local  
14          governments issuing certain bonds secured by  
15          revenues from local option fuel taxes more than  
16          once a year; amending s. 339.175, F.S.;  
17          revising intent; providing the method of  
18          creation and operation of M.P.O.'s required to  
19          be designated pursuant to federal law;  
20          specifying that an M.P.O. is separate from the  
21          state or the governing body of a local  
22          government that is represented on the governing  
23          board of the M.P.O. or that is a signatory to  
24          the interlocal agreement creating the M.P.O.;  
25          providing specified powers and privileges to  
26          the M.P.O.; providing for the designation and  
27          duties of certain officials; revising  
28          requirements for voting membership; defining  
29          the term "elected officials of a  
30          general-purpose local government" to exclude  
31          certain constitutional officers for voting

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1 membership purposes; providing for the  
2 appointment of alternates and advisers;  
3 providing that members of an M.P.O. technical  
4 advisory committee shall serve at the pleasure  
5 of the M.P.O.; providing for the appointment of  
6 an executive or staff director and other  
7 personnel; authorizing an M.P.O. to enter into  
8 contracts with public or private entities to  
9 accomplish its duties and functions; providing  
10 for the training of certain persons who serve  
11 on an M.P.O. for certain purposes; requiring  
12 that certain plans, programs, and amendments  
13 that affect projects be approved by each M.P.O.  
14 on a recorded roll call vote, or hand-counted  
15 vote, of a majority of the membership present;  
16 amending s. 339.2819, F.S.; revising the share  
17 of matching funds for a public transportation  
18 project provided from the Transportation  
19 Regional Incentive Program; amending s. 343.81,  
20 F.S.; prohibiting elected officials from  
21 serving on the Northwest Florida Transportation  
22 Corridor Authority; providing for application  
23 of the prohibition to apply to persons  
24 appointed to serve on the authority after a  
25 certain date; amending s. 343.82, F.S.;  
26 directing the authority to plan for and study  
27 the feasibility of constructing, operating, and  
28 maintaining a bridge or bridges, and  
29 appurtenant structures, spanning Choctawhatchee  
30 Bay or Santa Rosa Sound; authorizing the  
31 authority to construct, operate, and maintain

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1           said bridges and structures; amending s.  
2           348.0004, F.S.; authorizing certain  
3           transportation-related authorities to enter  
4           into agreements with private entities for the  
5           building, operation, ownership, or financing of  
6           transportation facilities; amending s.  
7           348.0012, F.S.; revising provisions for certain  
8           exemptions from the Florida Expressway  
9           Authority Act; amending s. 348.754, F.S.;  
10          authorizing the Orlando-Orange County  
11          Expressway Authority to waive payment and  
12          performance bonds on certain construction  
13          contracts if the contract is awarded pursuant  
14          to an economic development program for the  
15          encouragement of local small businesses;  
16          providing criteria for participation in the  
17          program; providing criteria for the bond  
18          waiver; providing for certain determinations by  
19          the authority's executive director or a  
20          designee as to the suitability of a project;  
21          providing for certain payment obligations if a  
22          payment and performance bond is waived;  
23          requiring the authority to record notice of the  
24          obligation; limiting eligibility to bid on the  
25          projects; providing for the authority to  
26          conduct bond eligibility training for certain  
27          businesses; requiring the authority to submit  
28          biennial reports to the Orange County  
29          legislative delegation; amending ss. 163.3177,  
30          339.176, and 341.828, F.S.; correcting  
31          cross-references; amending s. 2, ch. 89-383,

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1           Laws of Florida; providing for certain  
 2           alterations to and along Red Road in Miami-Dade  
 3           County for transportation safety purposes;  
 4           providing an effective date.

5  
 6 Be It Enacted by the Legislature of the State of Florida:  
 7

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

11           20.23 Department of Transportation.--There is created  
 12 a Department of Transportation which shall be a decentralized  
 13 agency.

14           (2)

15           (h) The commission shall appoint an executive director  
 16 and assistant executive director, who shall serve under the  
 17 direction, supervision, and control of the commission. The  
 18 executive director, with the consent of the commission, shall  
 19 employ such staff as are necessary to perform adequately the  
 20 functions of the commission, within budgetary limitations. All  
 21 employees of the commission are exempt from part II of chapter  
 22 110 and shall serve at the pleasure of the commission. The  
 23 salaries and benefits of all employees of the commission,  
 24 except for the executive director, shall be set in accordance  
 25 with the Selected Exempt Service; ~~provided,~~ however, ~~that the~~  
 26 salary and benefits of the executive director shall be set in  
 27 accordance with the Senior Management Service. The commission  
 28 shall have complete authority for fixing the salary of the  
 29 executive director and assistant executive director.

30           (4)(a) The operations of the department shall be  
 31 organized into seven districts, each headed by a district

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1 secretary and a turnpike enterprise, headed by an executive  
 2 director. The district secretaries and the turnpike executive  
 3 director shall be registered professional engineers in  
 4 accordance with the provisions of chapter 471 or, in lieu of  
 5 professional engineer registration, a district secretary or  
 6 turnpike executive director may hold an advanced degree in an  
 7 appropriate related discipline, such as a Master of Business  
 8 Administration, or may have a minimum of 10 years of  
 9 senior-level business managerial experience. The headquarters  
 10 of the districts shall be located in Polk, Columbia,  
 11 Washington, Broward, Volusia, Dade, and Hillsborough Counties.  
 12 The headquarters of the turnpike enterprise shall be located  
 13 in Orange County. In order to provide for efficient operations  
 14 and to expedite the decisionmaking process, the department  
 15 shall provide for maximum decentralization to the districts.

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

18 112.061 Per diem and travel expenses of public  
 19 officers, employees, and authorized persons.--

20 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,  
 21 DISTRICT SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND  
 22 METROPOLITAN PLANNING ORGANIZATIONS.--

23 (a) The following entities may establish rates that  
 24 vary from the per diem rate provided in paragraph (6)(a), the  
 25 subsistence rates provided in paragraph (6)(b), or the mileage  
 26 rate provided in paragraph (7)(d) if those rates are not less  
 27 than the statutorily established rates that are in effect for  
 28 the 2005-2006 fiscal year:

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

31 2. A county constitutional officer, pursuant to s.

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1 1(d), Art. VIII of the State Constitution, by the  
2 establishment of written policy;

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

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

9 5. Any metropolitan planning organization created  
10 pursuant to s. 339.175 or any other separate legal or  
11 administrative entity created pursuant to s. 339.175 of which  
12 a metropolitan planning organization is a member, by the  
13 enactment of a resolution.

14 (b) Rates established pursuant to paragraph (a) must  
15 apply uniformly to all travel by the county, county  
16 constitutional officer and entity governed by that officer,  
17 district school board, ~~or~~ special district, or metropolitan  
18 planning organization.

19 (c) Except as otherwise provided in this subsection,  
20 counties, county constitutional officers and entities governed  
21 by those officers, district school boards, ~~and~~ special  
22 districts, and metropolitan planning organizations, other than  
23 those subject to s. 166.021(10), remain subject to the  
24 requirements of this section.

25 Section 3. Subsection (11), paragraph (a) of  
26 subsection (42), and paragraph (b) of subsection (52) of  
27 section 121.021, Florida Statutes, are amended, and subsection  
28 (62) is added to that section, to read:

29 121.021 Definitions.--The following words and phrases  
30 as used in this chapter have the respective meanings set forth  
31 unless a different meaning is plainly required by the context:

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1           (11) "Officer or employee" means any person receiving  
 2 salary payments for work performed in a regularly established  
 3 position and, if employed by a city, a metropolitan planning  
 4 organization, or a special district, employed in a covered  
 5 group.

6           (42)(a) "Local agency employer" means the board of  
 7 county commissioners or other legislative governing body of a  
 8 county, however styled, including that of a consolidated or  
 9 metropolitan government; a clerk of the circuit court,  
 10 sheriff, property appraiser, tax collector, or supervisor of  
 11 elections, provided such officer is elected or has been  
 12 appointed to fill a vacancy in an elective office; a community  
 13 college board of trustees or district school board; or the  
 14 governing body of any city, metropolitan planning organization  
 15 created pursuant to s. 339.175 or any other separate legal or  
 16 administrative entity created pursuant to s. 339.175, or  
 17 special district of the state which participates in the system  
 18 for the benefit of certain of its employees.

19           (52) "Regularly established position" is defined as  
 20 follows:

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

26           (62) "Metropolitan planning organization" means an  
 27 entity created by an interlocal agreement pursuant to s.  
 28 339.175 or any other entity created pursuant to s. 339.175.

29           Section 4. Paragraph (b) of subsection (2) of section  
 30 121.051, Florida Statutes, is amended to read:

31           121.051 Participation in the system.--

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1 (2) OPTIONAL PARTICIPATION.--

2 (b)1. The governing body of any municipality,  
3 metropolitan planning organization, or special district in the  
4 state may elect to participate in the system upon proper  
5 application to the administrator and may cover all or any of  
6 its units as approved by the Secretary of Health and Human  
7 Services and the administrator. The department shall adopt  
8 rules establishing provisions for the submission of documents  
9 necessary for such application. Prior to being approved for  
10 participation in the Florida Retirement System, the governing  
11 body of any such municipality, metropolitan planning  
12 organization, or special district that has a local retirement  
13 system shall submit to the administrator a certified financial  
14 statement showing the condition of the local retirement system  
15 as of a date within 3 months prior to the proposed effective  
16 date of membership in the Florida Retirement System. The  
17 statement must be certified by a recognized accounting firm  
18 that is independent of the local retirement system. All  
19 required documents necessary for extending Florida Retirement  
20 System coverage must be received by the department for  
21 consideration at least 15 days prior to the proposed effective  
22 date of coverage. If the municipality, metropolitan planning  
23 organization, or special district does not comply with this  
24 requirement, the department may require that the effective  
25 date of coverage be changed.

26 2. Any city, metropolitan planning organization, or  
27 special district that has an existing retirement system  
28 covering the employees in the units that are to be brought  
29 under the Florida Retirement System may participate only after  
30 holding a referendum in which all employees in the affected  
31 units have the right to participate. Only those employees

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1 electing coverage under the Florida Retirement System by  
 2 affirmative vote in said referendum shall be eligible for  
 3 coverage under this chapter, and those not participating or  
 4 electing not to be covered by the Florida Retirement System  
 5 shall remain in their present systems and shall not be  
 6 eligible for coverage under this chapter. After the referendum  
 7 is held, all future employees shall be compulsory members of  
 8 the Florida Retirement System.

9           3. The governing body of any city, metropolitan  
 10 planning organization, or special district complying with  
 11 subparagraph 1. may elect to provide, or not provide, benefits  
 12 based on past service of officers and employees as described  
 13 in s. 121.081(1). However, if such employer elects to provide  
 14 past service benefits, such benefits must be provided for all  
 15 officers and employees of its covered group.

16           4. Once this election is made and approved it may not  
 17 be revoked, except pursuant to subparagraphs 5. and 6., and  
 18 all present officers and employees electing coverage under  
 19 this chapter and all future officers and employees shall be  
 20 compulsory members of the Florida Retirement System.

21           5. Subject to the conditions set forth in subparagraph  
 22 6., the governing body of any hospital licensed under chapter  
 23 395 which is governed by the board of a special district as  
 24 defined in s. 189.403(1) or by the board of trustees of a  
 25 public health trust created under s. 154.07, hereinafter  
 26 referred to as "hospital district," and which participates in  
 27 the system, may elect to cease participation in the system  
 28 with regard to future employees in accordance with the  
 29 following procedure:

30           a. No more than 30 days and at least 7 days before  
 31 adopting a resolution to partially withdraw from the Florida

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1 Retirement System and establish an alternative retirement plan  
2 for future employees, a public hearing must be held on the  
3 proposed withdrawal and proposed alternative plan.

4         b. From 7 to 15 days before such hearing, notice of  
5 intent to withdraw, specifying the time and place of the  
6 hearing, must be provided in writing to employees of the  
7 hospital district proposing partial withdrawal and must be  
8 published in a newspaper of general circulation in the area  
9 affected, as provided by ss. 50.011-50.031. Proof of  
10 publication of such notice shall be submitted to the  
11 Department of Management Services.

12         c. The governing body of any hospital district seeking  
13 to partially withdraw from the system must, before such  
14 hearing, have an actuarial report prepared and certified by an  
15 enrolled actuary, as defined in s. 112.625(3), illustrating  
16 the cost to the hospital district of providing, through the  
17 retirement plan that the hospital district is to adopt,  
18 benefits for new employees comparable to those provided under  
19 the Florida Retirement System.

20         d. Upon meeting all applicable requirements of this  
21 subparagraph, and subject to the conditions set forth in  
22 subparagraph 6., partial withdrawal from the system and  
23 adoption of the alternative retirement plan may be  
24 accomplished by resolution duly adopted by the hospital  
25 district board. The hospital district board must provide  
26 written notice of such withdrawal to the division by mailing a  
27 copy of the resolution to the division, postmarked no later  
28 than December 15, 1995. The withdrawal shall take effect  
29 January 1, 1996.

30         6. Following the adoption of a resolution under  
31 sub-subparagraph 5.d., all employees of the withdrawing

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1 hospital district who were participants in the Florida  
 2 Retirement System prior to January 1, 1996, shall remain as  
 3 participants in the system for as long as they are employees  
 4 of the hospital district, and all rights, duties, and  
 5 obligations between the hospital district, the system, and the  
 6 employees shall remain in full force and effect. Any employee  
 7 who is hired or appointed on or after January 1, 1996, may not  
 8 participate in the Florida Retirement System, and the  
 9 withdrawing hospital district shall have no obligation to the  
 10 system with respect to such employees.

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

13 121.055 Senior Management Service Class.--There is  
 14 hereby established a separate class of membership within the  
 15 Florida Retirement System to be known as the "Senior  
 16 Management Service Class," which shall become effective  
 17 February 1, 1987.

18 (1)

19 (1) For each metropolitan planning organization that  
 20 has opted to become part of the Florida Retirement System,  
 21 participation in the Senior Management Service Class shall be  
 22 compulsory for the executive director or staff director of  
 23 that metropolitan planning organization.

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

26 121.061 Funding.--

27 (2)(a) Should any employer other than a state employer  
 28 fail to make the retirement and social security contributions,  
 29 both member and employer contributions, required by this  
 30 chapter, then, upon request by the administrator, the  
 31 Department of Revenue or the Department of Financial Services,

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1 as the case may be, shall deduct the amount owed by the  
 2 employer from any funds to be distributed by it to the county,  
 3 city, metropolitan planning organization, special district, or  
 4 consolidated form of government. The amounts so deducted shall  
 5 be transferred to the administrator for further distribution  
 6 to the trust funds in accordance with this chapter.

7 (c) The governing body of each county, city,  
 8 metropolitan planning organization, special district, or  
 9 consolidated form of government participating under this  
 10 chapter or the administrator, acting individually or jointly,  
 11 is hereby authorized to file and maintain an action in the  
 12 courts of the state to require any employer to remit any  
 13 retirement or social security member contributions or employer  
 14 matching payments due the retirement or social security trust  
 15 funds under the provisions of this chapter.

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

18 121.081 Past service; prior service;  
 19 contributions.--Conditions under which past service or prior  
 20 service may be claimed and credited are:

21 (1)(a) Past service, as defined in s. 121.021(18), may  
 22 be claimed as creditable service by officers or employees of a  
 23 city, metropolitan planning organization, or special district  
 24 that become a covered group under this system. The governing  
 25 body of a covered group in compliance with s. 121.051(2)(b)  
 26 may elect to provide benefits with respect to past service  
 27 earned prior to January 1, 1975, in accordance with this  
 28 chapter, and the cost for such past service shall be  
 29 established by applying the following formula: The member  
 30 contribution for both regular and special risk members shall  
 31 be 4 percent of the gross annual salary for each year of past

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1 service claimed, plus 4-percent employer matching  
 2 contribution, plus 4 percent interest thereon compounded  
 3 annually, figured on each year of past service, with interest  
 4 compounded from date of annual salary earned until July 1,  
 5 1975, and 6.5 percent interest compounded annually thereafter  
 6 until date of payment. Once the total cost for a member has  
 7 been figured to date, then after July 1, 1975, 6.5 percent  
 8 compounded interest shall be added each June 30 thereafter on  
 9 any unpaid balance until the cost of such past service  
 10 liability is paid in full. The following formula shall be used  
 11 in calculating past service earned prior to January 1, 1975:  
 12 (Annual gross salary multiplied by 8 percent) multiplied by  
 13 the 4 percent or 6.5 percent compound interest table factor,  
 14 as may be applicable. The resulting product equals cost to  
 15 date for each particular year of past service.

16 (b) Past service earned after January 1, 1975, may be  
 17 claimed by officers or employees of a city, metropolitan  
 18 planning organization, or special district that becomes a  
 19 covered group under this system. The governing body of a  
 20 covered group may elect to provide benefits with respect to  
 21 past service earned after January 1, 1975, in accordance with  
 22 this chapter, and the cost for such past service shall be  
 23 established by applying the following formula: The employer  
 24 shall contribute an amount equal to the contribution rate in  
 25 effect at the time the service was earned, multiplied by the  
 26 employee's gross salary for each year of past service claimed,  
 27 plus 6.5 percent interest thereon, compounded annually,  
 28 figured on each year of past service, with interest compounded  
 29 from date of annual salary earned until date of payment.

30 (e) Past service, as defined in s. 121.021(18), may be  
 31 claimed as creditable service by a member of the Florida

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1 Retirement System who formerly was an officer or employee of a  
 2 city, metropolitan planning organization, or special district,  
 3 notwithstanding the status or form of the retirement system,  
 4 if any, of that city, metropolitan planning organization, or  
 5 special district and irrespective of whether officers or  
 6 employees of that city, metropolitan planning organization, or  
 7 special district now or hereafter become a covered group under  
 8 the Florida Retirement System. Such member may claim  
 9 creditable service and be entitled to the benefits accruing to  
 10 the regular class of members as provided for the past service  
 11 claimed under this paragraph by paying into the retirement  
 12 trust fund an amount equal to the total actuarial cost of  
 13 providing the additional benefit resulting from such  
 14 past-service credit, discounted by the applicable actuarial  
 15 factors to date of retirement.

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

18 215.615 Fixed-guideway transportation systems  
 19 funding.--

20 (1) The issuance of revenue bonds by the Division of  
 21 Bond Finance, on behalf of the Department of Transportation,  
 22 pursuant to s. 11, Art. VII of the State Constitution, is  
 23 authorized, pursuant to the State Bond Act, to finance or  
 24 refinance fixed capital expenditures for fixed-guideway  
 25 transportation systems, as defined in s. 341.031, including  
 26 facilities appurtenant thereto, costs of issuance, and other  
 27 amounts relating to such financing or refinancing. ~~Such~~  
 28 ~~revenue bonds shall be matched on a 50-50 basis with funds~~  
 29 ~~from sources other than revenues of the Department of~~  
 30 ~~Transportation, in a manner acceptable to the Department of~~  
 31 ~~Transportation.~~ The Division of Bond Finance is authorized to

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1 consider innovative financing techniques, ~~technologies~~ which  
 2 may include, but are not limited to, innovative bidding and  
 3 structures of potential financings ~~findings~~ that may result in  
 4 negotiated transactions. The following conditions apply to the  
 5 issuance of revenue bonds for fixed-guideway transportation  
 6 systems:

7 (a) The department and any participating commuter rail  
 8 authority or regional transportation authority established  
 9 under chapter 343, local governments, or local governments  
 10 collectively by interlocal agreement having jurisdiction of a  
 11 fixed-guideway transportation system may enter into an  
 12 interlocal agreement to promote the efficient and  
 13 cost-effective financing or refinancing of fixed-guideway  
 14 transportation system projects by revenue bonds issued  
 15 pursuant to this subsection. The terms of such interlocal  
 16 agreements shall include provisions for the Department of  
 17 Transportation to request the issuance of the bonds on behalf  
 18 of the parties; shall provide that after reimbursement  
 19 pursuant to interlocal agreement, the department's share may  
 20 be up to 50 percent of the eligible project cost, which may  
 21 include a share of annual ~~each party to the agreement is~~  
 22 ~~contractually liable for an equal share of funding an amount~~  
 23 ~~equal to the~~ debt service requirements of such bonds; and  
 24 shall include any other terms, provisions, or covenants  
 25 necessary to the making of and full performance under such  
 26 interlocal agreement. Repayments made to the department under  
 27 any interlocal agreement are not pledged to the repayment of  
 28 bonds issued hereunder, and failure of the local governmental  
 29 authority to make such payment shall not affect the obligation  
 30 of the department to pay debt service on the bonds.

31 (b) Revenue bonds issued pursuant to this subsection

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

9 (c) The projects to be financed or refinanced with the  
 10 proceeds of the revenue bonds issued hereunder are designated  
 11 as state fixed capital outlay projects for purposes of s.  
 12 11(d), Art. VII of the State Constitution, and the specific  
 13 projects to be financed or refinanced shall be determined by  
 14 the Department of Transportation in accordance with state law  
 15 and appropriations from the State Transportation Trust Fund.  
 16 Each project to be financed with the proceeds of the bonds  
 17 issued pursuant to this subsection must first be approved by  
 18 the Legislature by an act of general law.

19 (d) Any complaint for validation of bonds issued  
 20 pursuant to this section shall be filed in the circuit court  
 21 of the county where the seat of state government is situated,  
 22 the notice required to be published by s. 75.06 shall be  
 23 published only in the county where the complaint is filed, and  
 24 the complaint and order of the circuit court shall be served  
 25 only on the state attorney of the circuit in which the action  
 26 is pending.

27 (e) The state does hereby covenant with holders of  
 28 such revenue bonds or other instruments of indebtedness issued  
 29 hereunder, that it will not repeal or impair or amend these  
 30 provisions in any manner that will materially and adversely  
 31 affect the rights of such holders as long as bonds authorized

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1 by this subsection are outstanding.

2 (f) This subsection supersedes any inconsistent  
3 provisions in existing law.

4  
5 Notwithstanding this subsection, the lien of revenue bonds  
6 issued pursuant to this subsection on moneys deposited into  
7 the State Transportation Trust Fund shall be subordinate to  
8 the lien on such moneys of bonds issued under ss. 215.605,  
9 320.20, and 215.616, and any pledge of such moneys to pay  
10 operating and maintenance expenses under s. 206.46(5) and  
11 chapter 348, as may be amended.

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

14 316.605 Licensing of vehicles.--

15 (1) Every vehicle, at all times while driven, stopped,  
16 or parked upon any highways, roads, or streets of this state,  
17 shall be licensed in the name of the owner thereof in  
18 accordance with the laws of this state unless such vehicle is  
19 not required by the laws of this state to be licensed in this  
20 state and shall, except as otherwise provided in s. 320.0706  
21 for front-end registration license plates on truck tractors  
22 and s. 320.086(5) which exempts display of license plates on  
23 described former military vehicles, display the license plate  
24 or both of the license plates assigned to it by the state, one  
25 on the rear and, if two, the other on the front of the  
26 vehicle, each to be securely fastened to the vehicle outside  
27 the main body of the vehicle not higher than 60 inches and not  
28 lower than 12 inches from the ground, not more than 24 inches  
29 to the left or right of the centerline of the vehicle, and  
30 fastened in such manner as to prevent the plates from  
31 swinging, and all letters, numerals, printing, writing, and

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1 other identification marks upon the plates regarding the word  
2 "Florida," the registration decal, and the alphanumeric  
3 designation shall be clear and distinct and free from  
4 defacement, mutilation, grease, and other obscuring matter, so  
5 that they will be plainly visible and legible at all times 100  
6 feet from the rear or front. Vehicle license plates shall be  
7 affixed and displayed in such a manner that the letters and  
8 numerals shall be read from left to right parallel to the  
9 ground. No vehicle license plate may be displayed in an  
10 inverted or reversed position or in such a manner that the  
11 letters and numbers and their proper sequence are not readily  
12 identifiable. Nothing shall be placed upon the face of a  
13 Florida plate except as permitted by law or by rule or  
14 regulation of a governmental agency. No license plates other  
15 than those furnished by the state shall be used. However, if  
16 the vehicle is not required to be licensed in this state, the  
17 license plates on such vehicle issued by another state, by a  
18 territory, possession, or district of the United States, or by  
19 a foreign country, substantially complying with the provisions  
20 hereof, shall be considered as complying with this chapter. A  
21 violation of this subsection is a noncriminal traffic  
22 infraction, punishable as a nonmoving violation as provided in  
23 chapter 318.

24 Section 10. Paragraph (b) of subsection (3) of section  
25 316.650, Florida Statutes, is amended to read:

26 316.650 Traffic citations.--

27 (3)

28 (b) If a traffic citation is issued pursuant to s.  
29 316.1001, a traffic enforcement officer may deposit the  
30 original and one copy of such traffic citation or, in the case  
31 of a traffic enforcement agency that has an automated citation

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1 system, may provide an electronic facsimile with a court  
2 having jurisdiction over the alleged offense or with its  
3 traffic violations bureau within 45 days after the date of  
4 issuance of the citation to the violator. If the person cited  
5 for the violation of s. 316.1001 makes the election provided  
6 by s. 318.14(12) and pays the fine imposed by the governmental  
7 entity owning the applicable toll facility plus the amount of  
8 the unpaid toll that is shown on the traffic citation directly  
9 to the governmental entity that issued the citation or on  
10 whose behalf the citation was issued in accordance with s.  
11 318.14(12), the traffic citation will not be submitted to the  
12 court, the disposition will be reported to the department by  
13 the governmental entity that issued the citation or on whose  
14 behalf the citation was issued, and no points will be assessed  
15 against the person's driver's license.

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

18 318.14 Noncriminal traffic infractions; exception;  
19 procedures.--

20 (12) Any person cited for a violation of s. 316.1001  
21 may, in lieu of making an election as set forth in subsection  
22 (4) or s. 318.18(7), elect to pay a his or her fine of \$25  
23 plus the amount of the unpaid toll that is shown on the  
24 traffic citation directly to the governmental entity that  
25 issued the citation or on whose behalf the citation was  
26 issued, within 30 days after the date of issuance of the  
27 citation. Any person cited for a violation of s. 316.1001 who  
28 does not elect to pay the \$25 fine plus the amount of the  
29 unpaid toll that is shown on the traffic citation directly to  
30 the governmental entity that issued the citation or on whose  
31 behalf the citation was issued as described in this subsection

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1 ~~section~~ shall have an additional 45 days after the date of the  
2 issuance of the citation in which to request a court hearing  
3 or to pay the civil penalty and delinquent fee, if applicable,  
4 as provided in s. 318.18(7), either by mail or in person, in  
5 accordance with subsection (4).

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

8 318.18 Amount of civil penalties.--The penalties  
9 required for a noncriminal disposition pursuant to s. 318.14  
10 are as follows:

11 (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a  
12 violation of s. 316.1001 plus the required payment of the  
13 unpaid toll amount shown on the traffic citation for each  
14 citation issued. The clerk of the court shall forward \$25 of  
15 the \$100 fine received, plus the amount of the unpaid toll  
16 that is shown on the citation, to the governmental entity that  
17 issued the citation or on whose behalf the citation was  
18 issued. If a plea arrangement is reached prior to the date set  
19 for a scheduled evidentiary hearing, there shall be a  
20 mandatory fine assessed per citation of not less than \$50 and  
21 not more than \$100 for each citation issued, plus the amount  
22 of the unpaid toll for each citation issued. The clerk of the  
23 court shall forward \$25 of the fine imposed, plus the amount  
24 of the unpaid toll that is shown on the citation, to the  
25 governmental entity that issued the citation or on whose  
26 behalf the citation was issued. The court shall have specific  
27 authority to consolidate issued citations for the same  
28 defendant for the purpose of sentencing and aggregate  
29 jurisdiction. In addition, the department shall suspend for 60  
30 days the driver's license of a person who is convicted of 10  
31 violations of s. 316.1001 within a 36-month period. However, a

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1 ~~person may elect to pay \$30 to the clerk of the court, in~~  
 2 ~~which case adjudication is withheld, and no points are~~  
 3 ~~assessed under s. 322.27. Upon receipt of the fine, the clerk~~  
 4 ~~of the court must retain \$5 for administrative purposes and~~  
 5 ~~must forward the \$25 to the governmental entity that issued~~  
 6 ~~the citation.~~ Any funds received by a governmental entity for  
 7 this violation may be used for any lawful purpose related to  
 8 the operation or maintenance of a toll facility.

9 Section 13. Section 320.061, Florida Statutes, is  
 10 amended to read:

11 320.061 Unlawful to alter motor vehicle registration  
 12 certificates, license plates, mobile home stickers, or  
 13 validation stickers or to obscure license plates; penalty.--No  
 14 person shall alter the original appearance of any registration  
 15 license plate, mobile home sticker, validation sticker, or  
 16 vehicle registration certificate issued for and assigned to  
 17 any motor vehicle or mobile home, whether by mutilation,  
 18 alteration, defacement, or change of color or in any other  
 19 manner. No person shall apply or attach any substance,  
 20 reflective matter, illuminated device, spray, coating,  
 21 covering, or other material onto or around any license plate  
 22 that interferes with the legibility, angular visibility, or  
 23 detectability of any feature or detail on the license plate or  
 24 interferes with the ability to record any feature or detail on  
 25 the license plate. Any person who violates ~~the provisions of~~  
 26 this section commits ~~section is guilty of~~ a misdemeanor of the  
 27 second degree, punishable as provided in s. 775.082 or s.  
 28 775.083.

29 Section 14. Paragraph (c) of subsection (1) of section  
 30 336.025, Florida Statutes, is amended to read:

31 336.025 County transportation system; levy of local

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1 option fuel tax on motor fuel and diesel fuel.--

2 (1)

3 (c) Local governments may use the services of the  
4 Division of Bond Finance of the State Board of Administration  
5 pursuant to the State Bond Act to issue any bonds through the  
6 provisions of this section and may pledge the revenues from  
7 local option fuel taxes to secure the payment of the bonds. ~~in~~

8 ~~no case may a jurisdiction issue bonds pursuant to this~~  
9 ~~section more frequently than once per year.~~ Counties and  
10 municipalities may join together for the issuance of bonds  
11 issued pursuant to this section.

12 Section 15. Section 339.175, Florida Statutes, is  
13 amended to read:

14 339.175 Metropolitan planning organization.--

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

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1 transportation system for the metropolitan area, based upon  
 2 the prevailing principles provided in s. 334.046(1). The  
 3 process for developing such plans and programs shall provide  
 4 for consideration of all modes of transportation and shall be  
 5 continuing, cooperative, and comprehensive, to the degree  
 6 appropriate, based on the complexity of the transportation  
 7 problems to be addressed. To ensure that the process is  
 8 integrated with the statewide planning process, M.P.O.'s shall  
 9 develop plans and programs that identify transportation  
 10 facilities that should function as an integrated metropolitan  
 11 transportation system, giving emphasis to facilities that  
 12 serve important national, state, and regional transportation  
 13 functions. For the purposes of this section, those facilities  
 14 include the facilities on the Strategic Intermodal System  
 15 designated under s. 339.63 and facilities for which projects  
 16 have been identified pursuant to s. 339.2819(4).

17 ~~(2)(1)~~ DESIGNATION.--

18 (a)1. An M.P.O. shall be designated for each urbanized  
 19 area of the state; however, this does not require that an  
 20 individual M.P.O. be designated for each such area. Such  
 21 designation shall be accomplished by agreement between the  
 22 Governor and units of general-purpose local government  
 23 representing at least 75 percent of the population of the  
 24 urbanized area; however, the unit of general-purpose local  
 25 government that represents the central city or cities within  
 26 the M.P.O. jurisdiction, as defined by the United States  
 27 Bureau of the Census, must be a party to such agreement.

28 2. More than one M.P.O. may be designated within an  
 29 existing metropolitan planning area only if the Governor and  
 30 the existing M.P.O. determine that the size and complexity of  
 31 the existing metropolitan planning area makes the designation

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1 of more than one M.P.O. for the area appropriate.

2 (b) Each M.P.O. designated in a manner prescribed by  
3 Title 23 U.S.C. shall be created and operated under the  
4 provisions of this section pursuant to an interlocal agreement  
5 entered into pursuant to s. 163.01. The signatories to the  
6 interlocal agreement shall be the department and the  
7 governmental entities designated by the Governor for  
8 membership on the M.P.O. Each M.P.O. shall be considered  
9 separate from the state or the governing body of a local  
10 government that is represented on the governing board of the  
11 M.P.O. or that is a signatory to the interlocal agreement  
12 creating the M.P.O. and shall have such powers and privileges  
13 that are provided under s. 163.01. If there is a conflict  
14 between this section and s. 163.01, this section prevails.

15 (c) The jurisdictional boundaries of an M.P.O. shall  
16 be determined by agreement between the Governor and the  
17 applicable M.P.O. The boundaries must include at least the  
18 metropolitan planning area, which is the existing urbanized  
19 area and the contiguous area expected to become urbanized  
20 within a 20-year forecast period, and may encompass the entire  
21 metropolitan statistical area or the consolidated metropolitan  
22 statistical area.

23 (d) In the case of an urbanized area designated as a  
24 nonattainment area for ozone or carbon monoxide under the  
25 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
26 the metropolitan planning area in existence as of the date of  
27 enactment of this paragraph shall be retained, except that the  
28 boundaries may be adjusted by agreement of the Governor and  
29 affected metropolitan planning organizations in the manner  
30 described in this section. If more than one M.P.O. has  
31 authority within a metropolitan area or an area that is

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1 designated as a nonattainment area, each M.P.O. shall consult  
 2 with other M.P.O.'s designated for such area and with the  
 3 state in the coordination of plans and programs required by  
 4 this section.

5 (e) The governing body of the M.P.O. shall designate,  
 6 at a minimum, a chair, vice chair, and agency clerk. The chair  
 7 and vice chair shall be selected from among the member  
 8 delegates comprising the governing board. The agency clerk  
 9 shall be charged with the responsibility of preparing meeting  
 10 minutes and maintaining agency records. The clerk shall be a  
 11 member of the M.P.O. governing board, an employee of the  
 12 M.P.O., or other natural person.

13  
 14 Each M.P.O. required under this section must be fully  
 15 operative no later than 6 months following its designation.

16 (3)(2) VOTING MEMBERSHIP.--

17 (a) The voting membership of an M.P.O. shall consist  
 18 of not fewer than 5 or more than 19 apportioned members, the  
 19 exact number to be determined on an equitable  
 20 geographic-population ratio basis by the Governor, based on an  
 21 agreement among the affected units of general-purpose local  
 22 government as required by federal rules and regulations. The  
 23 Governor, in accordance with 23 U.S.C. s. 134, may also  
 24 provide for M.P.O. members who represent municipalities to  
 25 alternate with representatives from other municipalities  
 26 within the metropolitan planning area that do not have members  
 27 on the M.P.O. County commission members shall compose not less  
 28 than one-third of the M.P.O. membership, except for an M.P.O.  
 29 with more than 15 members located in a county with a 5-member  
 30 ~~five-member~~ county commission or an M.P.O. with 19 members  
 31 located in a county with no more than 6 county commissioners,

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1 in which case county commission members may compose less than  
 2 one-third percent of the M.P.O. membership, but all county  
 3 commissioners must be members. All voting members shall be  
 4 elected officials of general-purpose local governments, except  
 5 that an M.P.O. may include, as part of its apportioned voting  
 6 members, a member of a statutorily authorized planning board,  
 7 an official of an agency that operates or administers a major  
 8 mode of transportation, or an official of the Florida Space  
 9 Authority. As used in this section, the term "elected  
 10 officials of a general-purpose local government" shall exclude  
 11 constitutional officers, including sheriffs, tax collectors,  
 12 supervisors of elections, property appraisers, clerks of the  
 13 court, and similar types of officials. County commissioners  
 14 ~~The county commission~~ shall compose not less than 20 percent  
 15 of the M.P.O. membership if an official of an agency that  
 16 operates or administers a major mode of transportation has  
 17 been appointed to an M.P.O.

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

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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 four  
25 additional voting members to the M.P.O., one of whom must be  
26 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 ~~(4)(3)~~ APPORTIONMENT.--

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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. At the request of a majority of the affected  
6 units of general-purpose local government comprising an  
7 M.P.O., the Governor and a majority of units of  
8 general-purpose local government serving on an M.P.O. shall  
9 cooperatively agree upon and prescribe who may serve as an  
10 alternate member and shall prescribe a method for appointing  
11 alternate members who may vote at any M.P.O. meeting that an  
12 alternate member attends in place of a regular member. The  
13 method shall be set forth as a part of the interlocal  
14 agreement describing the M.P.O.'s membership or in the  
15 M.P.O.'s operating procedures and bylaws. An appointed  
16 alternate member must be an elected official serving the same  
17 governmental entity or a general-purpose local government with  
18 jurisdiction within all or part of the area that the regular  
19 member serves. The governmental entity so designated shall  
20 appoint the appropriate number of members to the M.P.O. from  
21 eligible officials. Representatives of the department shall  
22 serve as nonvoting members of the M.P.O. governing board.  
23 Nonvoting advisers may be appointed by the M.P.O. as deemed  
24 necessary; however, to the maximum extent feasible, each  
25 M.P.O. shall seek to appoint nonvoting representatives of  
26 various multimodal forms of transportation not otherwise  
27 represented by voting members of the M.P.O. An M.P.O. shall  
28 appoint nonvoting advisers representing major military  
29 installations located within the jurisdictional boundaries of  
30 the M.P.O. upon the request of the aforesaid major military  
31 installations and subject to the agreement of the M.P.O. All

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1 nonvoting advisers may attend and participate fully in  
2 governing board meetings but shall not have a vote and shall  
3 not be members of the governing board. The Governor shall  
4 review the composition of the M.P.O. membership in conjunction  
5 with the decennial census as prepared by the United States  
6 Department of Commerce, Bureau of the Census, and reapportion  
7 it as necessary to comply with subsection(3) ~~(2)~~.

8 (b) Except for members who represent municipalities on  
9 the basis of alternating with representatives from other  
10 municipalities that do not have members on the M.P.O. as  
11 provided in paragraph(3)(a) ~~(2)(a)~~, the members of an M.P.O.  
12 shall serve 4-year terms. Members who represent municipalities  
13 on the basis of alternating with representatives from other  
14 municipalities that do not have members on the M.P.O. as  
15 provided in paragraph(3)(a) ~~(2)(a)~~ may serve terms of up to 4  
16 years as further provided in the interlocal agreement  
17 described in paragraph(2)(b) ~~(1)(b)~~. The membership of a  
18 member who is a public official automatically terminates upon  
19 the member's leaving his or her elective or appointive office  
20 for any reason, or may be terminated by a majority vote of the  
21 total membership of the entity's governing board ~~a county or~~  
22 ~~city governing entity~~ represented by the member. A vacancy  
23 shall be filled by the original appointing entity. A member  
24 may be reappointed for one or more additional 4-year terms.

25 (c) If a governmental entity fails to fill an assigned  
26 appointment to an M.P.O. within 60 days after notification by  
27 the Governor of its duty to appoint, that appointment shall be  
28 made by the Governor from the eligible representatives of that  
29 governmental entity.

30 ~~(5)(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority  
31 and responsibility of an M.P.O. is to manage a continuing,

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1 cooperative, and comprehensive transportation planning process  
 2 that, based upon the prevailing principles provided in s.  
 3 334.046(1), results in the development of plans and programs  
 4 which are consistent, to the maximum extent feasible, with the  
 5 approved local government comprehensive plans of the units of  
 6 local government the boundaries of which are within the  
 7 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
 8 for cooperative decisionmaking by officials of the affected  
 9 governmental entities in the development of the plans and  
 10 programs required by subsections ~~(5)~~, (6), (7), ~~and~~ (8), and  
 11 (9).

12 (6)~~(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The  
 13 powers, privileges, and authority of an M.P.O. are those  
 14 specified in this section or incorporated in an interlocal  
 15 agreement authorized under s. 163.01. Each M.P.O. shall  
 16 perform all acts required by federal or state laws or rules,  
 17 now and subsequently applicable, which are necessary to  
 18 qualify for federal aid. It is the intent of this section that  
 19 each M.P.O. shall be involved in the planning and programming  
 20 of transportation facilities, including, but not limited to,  
 21 airports, intercity and high-speed rail lines, seaports, and  
 22 intermodal facilities, to the extent permitted by state or  
 23 federal law.

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

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

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

30 and

31 3. An annual unified planning work program pursuant to

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1 the requirements of subsection(9) ~~(8)~~.

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

6 1. Support the economic vitality of the metropolitan  
7 area, especially by enabling global competitiveness,  
8 productivity, and efficiency;

9 2. Increase the safety and security of the  
10 transportation system for motorized and nonmotorized users;

11 3. Increase the accessibility and mobility options  
12 available to people and for freight;

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

15 5. Enhance the integration and connectivity of the  
16 transportation system, across and between modes, for people  
17 and freight;

18 6. Promote efficient system management and operation;  
19 and

20 7. Emphasize the preservation of the existing  
21 transportation system.

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

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

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

31 3. Assist the department in performing its duties

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1 relating to access management, functional classification of  
2 roads, and data collection;

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

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

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

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

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1 boards must provide the appropriate M.P.O. with information  
2 concerning future school sites and in the coordination of  
3 transportation service.

4 (e)1. Each M.P.O. shall appoint a citizens' advisory  
5 committee, the members of which serve at the pleasure of the  
6 M.P.O. The membership on the citizens' advisory committee must  
7 reflect a broad cross section of local residents with an  
8 interest in the development of an efficient, safe, and  
9 cost-effective transportation system. Minorities, the elderly,  
10 and the handicapped must be adequately represented.

11 2. Notwithstanding the provisions of subparagraph 1.,  
12 an M.P.O. may, with the approval of the department and the  
13 applicable federal governmental agency, adopt an alternative  
14 program or mechanism to ensure citizen involvement in the  
15 transportation planning process.

16 (f) The department shall allocate to each M.P.O., for  
17 the purpose of accomplishing its transportation planning and  
18 programming duties, an appropriate amount of federal  
19 transportation planning funds.

20 (g) Each M.P.O. shall have an executive or staff  
21 director who reports directly to the M.P.O. governing board  
22 for all matters regarding the administration and operation of  
23 the M.P.O. and any additional personnel as deemed necessary.  
24 The executive director and any additional personnel may be  
25 employed either by an M.P.O. or by another governmental  
26 entity, such as a county, city, or regional planning council,  
27 that has a staff services agreement signed and in effect with  
28 the M.P.O. Each M.P.O. may ~~employ personnel or may~~ enter into  
29 contracts with local or state agencies, private planning  
30 firms, ~~or private engineering firms, or other public or~~  
31 private entities to accomplish its transportation planning and

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1 programming duties and administrative functions ~~required by~~  
 2 ~~state or federal law.~~

3       (h) In order to enhance their knowledge,  
 4 effectiveness, and participation in the urbanized area  
 5 transportation planning process, each M.P.O. shall provide  
 6 training opportunities and training funds specifically for  
 7 local elected officials and others who serve on an M.P.O. The  
 8 training opportunities may be conducted by an individual  
 9 M.P.O. or through statewide and federal training programs and  
 10 initiatives that are specifically designed to meet the needs  
 11 of M.P.O. board members.

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

- 16           1. Coordinate transportation projects deemed to be  
 17 regionally significant by the committee.
- 18           2. Review the impact of regionally significant land  
 19 use decisions on the region.
- 20           3. Review all proposed regionally significant  
 21 transportation projects in the respective transportation  
 22 improvement programs which affect more than one of the  
 23 M.P.O.'s represented on the committee.
- 24           4. Institute a conflict resolution process to address  
 25 any conflict that may arise in the planning and programming of  
 26 such regionally significant projects.

27       (j)(i)1. The Legislature finds that the state's rapid  
 28 growth in recent decades has caused many urbanized areas  
 29 subject to M.P.O. jurisdiction to become contiguous to each  
 30 other. As a result, various transportation projects may cross  
 31 from the jurisdiction of one M.P.O. into the jurisdiction of

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1 another M.P.O. To more fully accomplish the purposes for which  
2 M.P.O.'s have been mandated, M.P.O.'s shall develop  
3 coordination mechanisms with one another to expand and improve  
4 transportation within the state. The appropriate method of  
5 coordination between M.P.O.'s shall vary depending upon the  
6 project involved and given local and regional needs.  
7 Consequently, it is appropriate to set forth a flexible  
8 methodology that can be used by M.P.O.'s to coordinate with  
9 other M.P.O.'s and appropriate political subdivisions as  
10 circumstances demand.

11           2. Any M.P.O. may join with any other M.P.O. or any  
12 individual political subdivision to coordinate activities or  
13 to achieve any federal or state transportation planning or  
14 development goals or purposes consistent with federal or state  
15 law. When an M.P.O. determines that it is appropriate to join  
16 with another M.P.O. or any political subdivision to coordinate  
17 activities, the M.P.O. or political subdivision shall enter  
18 into an interlocal agreement pursuant to s. 163.01, which, at  
19 a minimum, creates a separate legal or administrative entity  
20 to coordinate the transportation planning or development  
21 activities required to achieve the goal or purpose; provides  
22 ~~provide~~ the purpose for which the entity is created; provides  
23 ~~provide~~ the duration of the agreement and the entity, and  
24 specifies ~~specify~~ how the agreement may be terminated,  
25 modified, or rescinded; describes ~~describe~~ the precise  
26 organization of the entity, including who has voting rights on  
27 the governing board, whether alternative voting members are  
28 provided for, how voting members are appointed, and what the  
29 relative voting strength is for each constituent M.P.O. or  
30 political subdivision; provides ~~provide~~ the manner in which  
31 the parties to the agreement will provide for the financial

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1 support of the entity and payment of costs and expenses of the  
 2 entity; provides ~~provide~~ the manner in which funds may be paid  
 3 to and disbursed from the entity; and provides ~~provide~~ how  
 4 members of the entity will resolve disagreements regarding  
 5 interpretation of the interlocal agreement or disputes  
 6 relating to the operation of the entity. Such interlocal  
 7 agreement shall become effective upon its recordation in the  
 8 official public records of each county in which a member of  
 9 the entity created by the interlocal agreement has a voting  
 10 member. This paragraph does not require any M.P.O.'s to merge,  
 11 combine, or otherwise join together as a single M.P.O.

12 (7)(6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O.  
 13 must develop a long-range transportation plan that addresses  
 14 at least a 20-year planning horizon. The plan must include  
 15 both long-range and short-range strategies and must comply  
 16 with all other state and federal requirements. The prevailing  
 17 principles to be considered in the long-range transportation  
 18 plan are: preserving the existing transportation  
 19 infrastructure; enhancing Florida's economic competitiveness;  
 20 and improving travel choices to ensure mobility. The  
 21 long-range transportation plan must be consistent, to the  
 22 maximum extent feasible, with future land use elements and the  
 23 goals, objectives, and policies of the approved local  
 24 government comprehensive plans of the units of local  
 25 government located within the jurisdiction of the M.P.O. The  
 26 approved long-range transportation plan must be considered by  
 27 local governments in the development of the transportation  
 28 elements in local government comprehensive plans and any  
 29 amendments thereto. The long-range transportation plan must,  
 30 at a minimum:

31 (a) Identify transportation facilities, including, but

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1 not limited to, major roadways, airports, seaports,  
2 spaceports, commuter rail systems, transit systems, and  
3 intermodal or multimodal terminals that will function as an  
4 integrated metropolitan transportation system. The long-range  
5 transportation plan must give emphasis to those transportation  
6 facilities that serve national, statewide, or regional  
7 functions, and must consider the goals and objectives  
8 identified in the Florida Transportation Plan as provided in  
9 s. 339.155. If a project is located within the boundaries of  
10 more than one M.P.O., the M.P.O.'s must coordinate plans  
11 regarding the project in the long-range transportation plan.

12 (b) Include a financial plan that demonstrates how the  
13 plan can be implemented, indicating resources from public and  
14 private sources which are reasonably expected to be available  
15 to carry out the plan, and recommends any additional financing  
16 strategies for needed projects and programs. The financial  
17 plan may include, for illustrative purposes, additional  
18 projects that would be included in the adopted long-range  
19 transportation plan if reasonable additional resources beyond  
20 those identified in the financial plan were available. For the  
21 purpose of developing the long-range transportation plan, the  
22 M.P.O. and the department shall cooperatively develop  
23 estimates of funds that will be available to support the plan  
24 implementation. Innovative financing techniques may be used to  
25 fund needed projects and programs. Such techniques may include  
26 the assessment of tolls, the use of value capture financing,  
27 or the use of value pricing.

28 (c) Assess capital investment and other measures  
29 necessary to:

30 1. Ensure the preservation of the existing  
31 metropolitan transportation system including requirements for

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1 the operation, resurfacing, restoration, and rehabilitation of  
2 major roadways and requirements for the operation,  
3 maintenance, modernization, and rehabilitation of public  
4 transportation facilities; and

5           2. Make the most efficient use of existing  
6 transportation facilities to relieve vehicular congestion and  
7 maximize the mobility of people and goods.

8           (d) Indicate, as appropriate, proposed transportation  
9 enhancement activities, including, but not limited to,  
10 pedestrian and bicycle facilities, scenic easements,  
11 landscaping, historic preservation, mitigation of water  
12 pollution due to highway runoff, and control of outdoor  
13 advertising.

14           (e) In addition to the requirements of paragraphs  
15 (a)-(d), in metropolitan areas that are classified as  
16 nonattainment areas for ozone or carbon monoxide, the M.P.O.  
17 must coordinate the development of the long-range  
18 transportation plan with the State Implementation Plan  
19 developed pursuant to the requirements of the federal Clean  
20 Air Act.

21  
22 In the development of its long-range transportation plan, each  
23 M.P.O. must provide the public, affected public agencies,  
24 representatives of transportation agency employees, freight  
25 shippers, providers of freight transportation services,  
26 private providers of transportation, representatives of users  
27 of public transit, and other interested parties with a  
28 reasonable opportunity to comment on the long-range  
29 transportation plan. The long-range transportation plan must  
30 be approved by the M.P.O.

31           ~~(8)(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each

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1 M.P.O. shall, in cooperation with the state and affected  
 2 public transportation operators, develop a transportation  
 3 improvement program for the area within the jurisdiction of  
 4 the M.P.O. In the development of the transportation  
 5 improvement program, each M.P.O. must provide the public,  
 6 affected public agencies, representatives of transportation  
 7 agency employees, freight shippers, providers of freight  
 8 transportation services, private providers of transportation,  
 9 representatives of users of public transit, and other  
 10 interested parties with a reasonable opportunity to comment on  
 11 the proposed transportation improvement program.

12 (a) Each M.P.O. is responsible for developing,  
 13 annually, a list of project priorities and a transportation  
 14 improvement program. The prevailing principles to be  
 15 considered by each M.P.O. when developing a list of project  
 16 priorities and a transportation improvement program are:  
 17 preserving the existing transportation infrastructure;  
 18 enhancing Florida's economic competitiveness; and improving  
 19 travel choices to ensure mobility. The transportation  
 20 improvement program will be used to initiate federally aided  
 21 transportation facilities and improvements as well as other  
 22 transportation facilities and improvements including transit,  
 23 rail, aviation, spaceport, and port facilities to be funded  
 24 from the State Transportation Trust Fund within its  
 25 metropolitan area in accordance with existing and subsequent  
 26 federal and state laws and rules and regulations related  
 27 thereto. The transportation improvement program shall be  
 28 consistent, to the maximum extent feasible, with the approved  
 29 local government comprehensive plans of the units of local  
 30 government whose boundaries are within the metropolitan area  
 31 of the M.P.O. and include those projects programmed pursuant

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1 to s. 339.2819(4).

2 (b) Each M.P.O. annually shall prepare a list of  
3 project priorities and shall submit the list to the  
4 appropriate district of the department by October 1 of each  
5 year; however, the department and a metropolitan planning  
6 organization may, in writing, agree to vary this submittal  
7 date. The list of project priorities must be formally reviewed  
8 by the technical and citizens' advisory committees, and  
9 approved by the M.P.O., before it is transmitted to the  
10 district. The approved list of project priorities must be used  
11 by the district in developing the district work program and  
12 must be used by the M.P.O. in developing its transportation  
13 improvement program. The annual list of project priorities  
14 must be based upon project selection criteria that, at a  
15 minimum, consider the following:

- 16 1. The approved M.P.O. long-range transportation plan;
- 17 2. The Strategic Intermodal System Plan developed
- 18 under s. 339.64.
- 19 3. The priorities developed pursuant to s.
- 20 339.2819(4).
- 21 4. The results of the transportation management
- 22 systems; and
- 23 5. The M.P.O.'s public-involvement procedures.

24 (c) The transportation improvement program must, at a  
25 minimum:

- 26 1. Include projects and project phases to be funded
- 27 with state or federal funds within the time period of the
- 28 transportation improvement program and which are recommended
- 29 for advancement during the next fiscal year and 4 subsequent
- 30 fiscal years. Such projects and project phases must be
- 31 consistent, to the maximum extent feasible, with the approved

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1 local government comprehensive plans of the units of local  
2 government located within the jurisdiction of the M.P.O. For  
3 informational purposes, the transportation improvement program  
4 shall also include a list of projects to be funded from local  
5 or private revenues.

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

10           3. Provide a financial plan that demonstrates how the  
11 transportation improvement program can be implemented;  
12 indicates the resources, both public and private, that are  
13 reasonably expected to be available to accomplish the program;  
14 identifies any innovative financing techniques that may be  
15 used to fund needed projects and programs; and may include,  
16 for illustrative purposes, additional projects that would be  
17 included in the approved transportation improvement program if  
18 reasonable additional resources beyond those identified in the  
19 financial plan were available. Innovative financing techniques  
20 may include the assessment of tolls, the use of value capture  
21 financing, or the use of value pricing. The transportation  
22 improvement program may include a project or project phase  
23 only if full funding can reasonably be anticipated to be  
24 available for the project or project phase within the time  
25 period contemplated for completion of the project or project  
26 phase.

27           4. Group projects and project phases of similar  
28 urgency and anticipated staging into appropriate staging  
29 periods.

30           5. Indicate how the transportation improvement program  
31 relates to the long-range transportation plan developed under

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1 subsection(7) ~~(6)~~, including providing examples of specific  
2 projects or project phases that further the goals and policies  
3 of the long-range transportation plan.

4         6. Indicate whether any project or project phase is  
5 inconsistent with an approved comprehensive plan of a unit of  
6 local government located within the jurisdiction of the M.P.O.  
7 If a project is inconsistent with an affected comprehensive  
8 plan, the M.P.O. must provide justification for including the  
9 project in the transportation improvement program.

10         7. Indicate how the improvements are consistent, to  
11 the maximum extent feasible, with affected seaport, airport,  
12 and spaceport master plans and with public transit development  
13 plans of the units of local government located within the  
14 jurisdiction of the M.P.O. If a project is located within the  
15 boundaries of more than one M.P.O., the M.P.O.'s must  
16 coordinate plans regarding the project in the transportation  
17 improvement program.

18         (d) Projects included in the transportation  
19 improvement program and that have advanced to the design stage  
20 of preliminary engineering may be removed from or rescheduled  
21 in a subsequent transportation improvement program only by the  
22 joint action of the M.P.O. and the department. Except when  
23 recommended in writing by the district secretary for good  
24 cause, any project removed from or rescheduled in a subsequent  
25 transportation improvement program shall not be rescheduled by  
26 the M.P.O. in that subsequent program earlier than the 5th  
27 year of such program.

28         (e) During the development of the transportation  
29 improvement program, the M.P.O. shall, in cooperation with the  
30 department and any affected public transit operation, provide  
31 citizens, affected public agencies, representatives of

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1 transportation agency employees, freight shippers, providers  
 2 of freight transportation services, private providers of  
 3 transportation, representatives of users of public transit,  
 4 and other interested parties with reasonable notice of and an  
 5 opportunity to comment on the proposed program.

6 (f) The adopted annual transportation improvement  
 7 program for M.P.O.'s in nonattainment or maintenance areas  
 8 must be submitted to the district secretary and the Department  
 9 of Community Affairs at least 90 days before the submission of  
 10 the state transportation improvement program by the department  
 11 to the appropriate federal agencies. The annual transportation  
 12 improvement program for M.P.O.'s in attainment areas must be  
 13 submitted to the district secretary and the Department of  
 14 Community Affairs at least 45 days before the department  
 15 submits the state transportation improvement program to the  
 16 appropriate federal agencies; however, the department, the  
 17 Department of Community Affairs, and a metropolitan planning  
 18 organization may, in writing, agree to vary this submittal  
 19 date. The Governor or the Governor's designee shall review and  
 20 approve each transportation improvement program and any  
 21 amendments thereto.

22 (g) The Department of Community Affairs shall review  
 23 the annual transportation improvement program of each M.P.O.  
 24 for consistency with the approved local government  
 25 comprehensive plans of the units of local government whose  
 26 boundaries are within the metropolitan area of each M.P.O. and  
 27 shall identify those projects that are inconsistent with such  
 28 comprehensive plans. The Department of Community Affairs shall  
 29 notify an M.P.O. of any transportation projects contained in  
 30 its transportation improvement program which are inconsistent  
 31 with the approved local government comprehensive plans of the

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1 units of local government whose boundaries are within the  
2 metropolitan area of the M.P.O.

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

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

17 ~~(10)(9)~~ AGREEMENTS.--

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

21 1. An agreement with the department clearly  
22 establishing the cooperative relationship essential to  
23 accomplish the transportation planning requirements of state  
24 and federal law.

25 2. An agreement with the metropolitan and regional  
26 intergovernmental coordination and review agencies serving the  
27 metropolitan areas, specifying the means by which activities  
28 will be coordinated and how transportation planning and  
29 programming will be part of the comprehensive planned  
30 development of the area.

31 3. An agreement with operators of public

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1 transportation systems, including transit systems, commuter  
 2 rail systems, airports, seaports, and spaceports, describing  
 3 the means by which activities will be coordinated and  
 4 specifying how public transit, commuter rail, aviation,  
 5 seaport, and aerospace planning and programming will be part  
 6 of the comprehensive planned development of the metropolitan  
 7 area.

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

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

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

17 (b) The council shall consist of one representative  
 18 from each M.P.O. and shall elect a chairperson annually from  
 19 its number. Each M.P.O. shall also elect an alternate  
 20 representative from each M.P.O. to vote in the absence of the  
 21 representative. Members of the council do not receive any  
 22 compensation for their services, but may be reimbursed from  
 23 funds made available to council members for travel and per  
 24 diem expenses incurred in the performance of their council  
 25 duties as provided in s. 112.061.

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

28 1. Enter into contracts with individuals, private  
 29 corporations, and public agencies.

30 2. Acquire, own, operate, maintain, sell, or lease  
 31 personal property essential for the conduct of business.

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1           3. Accept funds, grants, assistance, gifts, or  
2 bequests from private, local, state, or federal sources.

3           4. Establish bylaws and adopt rules pursuant to ss.  
4 120.536(1) and 120.54 to implement provisions of law  
5 conferring powers or duties upon it.

6           5. Assist M.P.O.'s in carrying out the urbanized area  
7 transportation planning process by serving as the principal  
8 forum for collective policy discussion pursuant to law.

9           6. Serve as a clearinghouse for review and comment by  
10 M.P.O.'s on the Florida Transportation Plan and on other  
11 issues required to comply with federal or state law in  
12 carrying out the urbanized area transportation and systematic  
13 planning processes instituted pursuant to s. 339.155.

14           7. Employ an executive director and such other staff  
15 as necessary to perform adequately the functions of the  
16 council, within budgetary limitations. The executive director  
17 and staff are exempt from part II of chapter 110 and serve at  
18 the direction and control of the council. The council is  
19 assigned to the Office of the Secretary of the Department of  
20 Transportation for fiscal and accountability purposes, but it  
21 shall otherwise function independently of the control and  
22 direction of the department.

23           8. Adopt an agency strategic plan that provides the  
24 priority directions the agency will take to carry out its  
25 mission within the context of the state comprehensive plan and  
26 any other statutory mandates and directions given to the  
27 agency.

28           ~~(12)~~~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon  
29 notification by an agency of the Federal Government that any  
30 provision of this section conflicts with federal laws or  
31 regulations, such federal laws or regulations will take

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1 precedence to the extent of the conflict until such conflict  
2 is resolved. The department or an M.P.O. may take any  
3 necessary action to comply with such federal laws and  
4 regulations or to continue to remain eligible to receive  
5 federal funds.

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

14 Section 16. Subsection (2) of section 339.2819,  
15 Florida Statutes, is amended to read:

16 339.2819 Transportation Regional Incentive Program.--

17 (2) The percentage of matching funds provided from the  
18 Transportation Regional Incentive Program shall be 50 percent  
19 of project costs, ~~or up to 50 percent of the nonfederal share~~  
20 ~~of the eligible project cost for a public transportation~~  
21 ~~facility project.~~

22 Section 17. Paragraph (a) of subsection (2) of section  
23 343.81, Florida Statutes, is amended to read:

24 343.81 Northwest Florida Transportation Corridor  
25 Authority.--

26 (2)(a) The governing body of the authority shall  
27 consist of eight voting members, one each from Escambia, Santa  
28 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla  
29 Counties, appointed by the Governor to a 4-year term. The  
30 appointees shall be residents of their respective counties and  
31 may not hold an elected office. Upon the effective date of his

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1 or her appointment, or as soon thereafter as practicable, each  
 2 appointed member of the authority shall enter upon his or her  
 3 duties. Each appointed member shall hold office until his or  
 4 her successor has been appointed and has qualified. A vacancy  
 5 occurring during a term shall be filled only for the balance  
 6 of the unexpired term. Any member of the authority shall be  
 7 eligible for reappointment. Members of the authority may be  
 8 removed from office by the Governor for misconduct,  
 9 malfeasance, misfeasance, or nonfeasance in office.

10       Section 18. The amendments made by this act to s.  
 11 343.81, Florida Statutes, prohibiting the appointment of a  
 12 person holding an elected office to the Northwest Florida  
 13 Transportation Corridor Authority shall not prohibit any  
 14 member appointed prior to the effective date of this act from  
 15 completing his or her current term, and the prohibition shall  
 16 only apply to members appointed after the effective date of  
 17 this act.

18       Section 19. Subsection (2) of section 343.82, Florida  
 19 Statutes, is amended to read:

20       343.82 Purposes and powers.--

21       (2)(a) The authority is authorized to construct any  
 22 feeder roads, reliever roads, connector roads, bypasses, or  
 23 appurtenant facilities that are intended to improve mobility  
 24 along the U.S. 98 corridor. The transportation improvement  
 25 projects may also include all necessary approaches, roads,  
 26 bridges, and avenues of access that are desirable and proper  
 27 with the concurrence, where applicable, of the department if  
 28 the project is to be part of the State Highway System or the  
 29 respective county or municipal governing boards. Any  
 30 transportation facilities constructed by the authority may be  
 31 tolled.

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1           (b) Notwithstanding any special act to the contrary,  
 2 the authority shall plan for and study the feasibility of  
 3 constructing, operating, and maintaining a bridge or bridges  
 4 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and  
 5 access roads to such bridge or bridges, including studying the  
 6 environmental and economic feasibility of such bridge or  
 7 bridges and access roads, and such other transportation  
 8 facilities that become part of such bridge system. The  
 9 authority may construct, operate, and maintain the bridge  
 10 system if the authority determines that the bridge system  
 11 project is feasible and consistent with the authority's  
 12 primary purpose and master plan.

13           Section 20. Subsection (9) of section 348.0004,  
 14 Florida Statutes, is amended to read:

15           348.0004 Purposes and powers.--

16           (9) The Legislature declares that there is a public  
 17 need for rapid construction of safe and efficient  
 18 transportation facilities for travel within the state and that  
 19 it is in the public's interest to provide for public-private  
 20 partnership agreements to effectuate the construction of  
 21 additional safe, convenient, and economical transportation  
 22 facilities.

23           (a) Notwithstanding any other provision of the Florida  
 24 Expressway Authority Act, any expressway authority,  
 25 transportation authority, bridge authority, or toll authority  
 26 established under this part or any other statute may receive  
 27 or solicit proposals and enter into agreements with private  
 28 entities, or consortia thereof, for the building, operation,  
 29 ownership, or financing of ~~expressway~~ authority transportation  
 30 facilities or new transportation facilities within the  
 31 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~

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1 authority is authorized to adopt rules to implement this  
 2 subsection and shall, by rule, establish an application fee  
 3 for the submission of unsolicited proposals under this  
 4 subsection. The fee must be sufficient to pay the costs of  
 5 evaluating the proposals. An ~~expressway~~ authority may engage  
 6 private consultants to assist in the evaluation. Before  
 7 approval, an ~~expressway~~ authority must determine that a  
 8 proposed project:

- 9           1. Is in the public's best interest.
- 10           2. Would not require state funds to be used unless the  
 11 project is on or provides increased mobility on the State  
 12 Highway System.
- 13           3. Would have adequate safeguards to ensure that no  
 14 additional costs or service disruptions would be realized by  
 15 the traveling public and residents ~~citizens~~ of the state in  
 16 the event of default or the cancellation of the agreement by  
 17 the ~~expressway~~ authority.

18           (b) An ~~expressway~~ authority shall ensure that all  
 19 reasonable costs to the state which are, related to  
 20 transportation facilities that are not part of the State  
 21 Highway System, are borne by the private entity. An ~~expressway~~  
 22 authority shall also ensure that all reasonable costs to the  
 23 state and substantially affected local governments and  
 24 utilities related to the private transportation facility are  
 25 borne by the private entity for transportation facilities that  
 26 are owned by private entities. For projects on the State  
 27 Highway System, the department may use state resources to  
 28 participate in funding and financing the project as provided  
 29 for under the department's enabling legislation.

30           (c) The ~~expressway~~ authority may request proposals for  
 31 public-private transportation projects or, if it receives an

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1 unsolicited proposal, it must publish a notice in the Florida  
2 Administrative Weekly and a newspaper of general circulation  
3 in the county in which it is located at least once a week for  
4 2 weeks, stating that it has received the proposal and will  
5 accept, for 60 days after the initial date of publication,  
6 other proposals for the same project purpose. A copy of the  
7 notice must be mailed to each local government in the affected  
8 areas. After the public notification period has expired, the  
9 ~~expressway~~ authority shall rank the proposals in order of  
10 preference. In ranking the proposals, the ~~expressway~~ authority  
11 shall consider professional qualifications, general business  
12 terms, innovative engineering or cost-reduction terms, finance  
13 plans, and the need for state funds to deliver the proposal.  
14 If the ~~expressway~~ authority is not satisfied with the results  
15 of the negotiations, it may, at its sole discretion, terminate  
16 negotiations with the proposer. If these negotiations are  
17 unsuccessful, the ~~expressway~~ authority may go to the second  
18 and lower-ranked firms, in order, using the same procedure. If  
19 only one proposal is received, the ~~expressway~~ authority may  
20 negotiate in good faith, and if it is not satisfied with the  
21 results, it may, at its sole discretion, terminate  
22 negotiations with the proposer. Notwithstanding this  
23 paragraph, the ~~expressway~~ authority may, at its discretion,  
24 reject all proposals at any point in the process up to  
25 completion of a contract with the proposer.

26 (d) The department may lend funds from the Toll  
27 Facilities Revolving Trust Fund, as outlined in s. 338.251, to  
28 public-private partnerships. To be eligible, a private entity  
29 must comply with s. 338.251 and must provide an indication  
30 from a nationally recognized rating agency that the senior  
31 bonds for the project will be investment grade or must provide

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1 credit support, such as a letter of credit or other means  
2 acceptable to the department, to ensure that the loans will be  
3 fully repaid.

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

10 (f) Each public-private transportation facility  
11 constructed pursuant to this subsection shall comply with all  
12 requirements of federal, state, and local laws; state,  
13 regional, and local comprehensive plans; the ~~expressway~~  
14 authority's rules, policies, procedures, and standards for  
15 transportation facilities; and any other conditions that the  
16 ~~expressway~~ authority determines to be in the public's best  
17 interest.

18 (g) An ~~expressway~~ authority may exercise any power  
19 possessed by it, including eminent domain, to facilitate the  
20 development and construction of transportation projects  
21 pursuant to this subsection. An ~~expressway~~ authority may pay  
22 all or part of the cost of operating and maintaining the  
23 facility or may provide services to the private entity for  
24 which it receives full or partial reimbursement for services  
25 rendered.

26 (h) Except as herein provided, this subsection is not  
27 intended to amend existing laws by granting additional powers  
28 to or further restricting the governmental entities from  
29 regulating and entering into cooperative arrangements with the  
30 private sector for the planning, construction, and operation  
31 of transportation facilities. Use of the powers granted in

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1 this subsection may not subject a statutorily created  
 2 expressway authority, transportation authority, bridge  
 3 authority, or toll authority, other than one statutorily  
 4 created under this part, to any of the requirements of this  
 5 part other than those contained in this subsection.

6 Section 21. Section 348.0012, Florida Statutes, is  
 7 amended to read:

8 348.0012 Exemptions from applicability.--The Florida  
 9 Expressway Authority Act does not apply:

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

13 (2) To a transportation authority created pursuant to  
 14 chapter 349.

15 Section 22. Subsection (6) is added to section  
 16 348.754, Florida Statutes, to read:

17 348.754 Purposes and powers.--

18 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange  
 19 County Expressway Authority may waive payment and performance  
 20 bonds on construction contracts for the construction of a  
 21 public building, for the prosecution and completion of a  
 22 public work, or for repairs on a public building or public  
 23 work that has a cost of \$500,000 or less and when the project  
 24 is awarded pursuant to an economic development program for the  
 25 encouragement of local small businesses that has been adopted  
 26 by the governing body of the Orlando-Orange County Expressway  
 27 Authority pursuant to a resolution or policy.

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

31 1. Be an independent business.

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1           2. Be principally domiciled in the Orange County  
2 Standard Metropolitan Statistical Area.

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

4           4. Have gross annual sales averaging \$3 million or  
5 less over the immediately preceding 3 calendar years with  
6 regard to any construction element of the program.

7           5. Be accepted as a participant in the Orlando-Orange  
8 County Expressway Authority's microcontracts program or such  
9 other small business program as may be hereinafter enacted by  
10 the Orlando-Orange County Expressway Authority.

11           6. Participate in an educational curriculum or  
12 technical assistance program for business development that  
13 will assist the small business in becoming eligible for  
14 bonding.

15           (c) The authority's adopted procedures for waiving  
16 payment and performance bonds on projects with values not less  
17 than \$200,000 and not exceeding \$500,000 shall provide that  
18 payment and performance bonds may only be waived on projects  
19 that have been set aside to be competitively bid on by  
20 participants in an economic development program for local  
21 small businesses. The authority's executive director or his or  
22 her designee shall determine whether specific construction  
23 projects are suitable for:

24           1. Bidding under the authority's microcontracts  
25 program by registered local small businesses; and

26           2. Waiver of the payment and performance bond.

27  
28 The decision of the authority's executive director or deputy  
29 executive director to waive the payment and performance bond  
30 shall be based upon his or her investigation and conclusion  
31 that there exists sufficient competition so that the authority

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1 receives a fair price and does not undertake any unusual risk  
2 with respect to such project.

3       (d) For any contract for which a payment and  
4 performance bond has been waived pursuant to the authority set  
5 forth in this section, the Orlando-Orange County Expressway  
6 Authority shall pay all persons defined in s. 713.01 who  
7 furnish labor, services, or materials for the prosecution of  
8 the work provided for in the contract to the same extent and  
9 upon the same conditions that a surety on the payment bond  
10 under s. 255.05 would have been obligated to pay such persons  
11 if the payment and performance bond had not been waived. The  
12 authority shall record notice of this obligation in the manner  
13 and location that surety bonds are recorded. The notice shall  
14 include the information describing the contract that s.  
15 255.05(1) requires be stated on the front page of the bond.  
16 Notwithstanding that s. 255.05(9) generally applies when a  
17 performance and payment bond is required, s. 255.05(9) shall  
18 apply under this subsection to any contract on which  
19 performance or payment bonds are waived and any claim to  
20 payment under this subsection shall be treated as a contract  
21 claim pursuant to s. 255.05(9).

22       (e) A small business that has been the successful  
23 bidder on six projects for which the payment and performance  
24 bond was waived by the authority pursuant to paragraph (a)  
25 shall be ineligible to bid on additional projects for which  
26 the payment and performance bond is to be waived. The local  
27 small business may continue to participate in other elements  
28 of the economic development program for local small businesses  
29 as long as it is eligible.

30       (f) The authority shall conduct bond eligibility  
31 training for businesses qualifying for bond waiver under this

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1 subsection to encourage and promote bond eligibility for such  
2 businesses.

3       (g) The authority shall prepare a biennial report on  
4 the activities undertaken pursuant to this subsection to be  
5 submitted to the Orange County legislative delegation. The  
6 initial report shall be due December 31, 2008.

7           Section 23. Paragraph (a) of subsection (3) of section  
8 163.3177, Florida Statutes, is amended to read:

9           163.3177 Required and optional elements of  
10 comprehensive plan; studies and surveys.--

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

15           1. A component which outlines principles for  
16 construction, extension, or increase in capacity of public  
17 facilities, as well as a component which outlines principles  
18 for correcting existing public facility deficiencies, which  
19 are necessary to implement the comprehensive plan. The  
20 components shall cover at least a 5-year period.

21           2. Estimated public facility costs, including a  
22 delineation of when facilities will be needed, the general  
23 location of the facilities, and projected revenue sources to  
24 fund the facilities.

25           3. Standards to ensure the availability of public  
26 facilities and the adequacy of those facilities including  
27 acceptable levels of service.

28           4. Standards for the management of debt.

29           5. A schedule of capital improvements which includes  
30 publicly funded projects, and which may include privately  
31 funded projects for which the local government has no fiscal

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1 responsibility, necessary to ensure that adopted  
 2 level-of-service standards are achieved and maintained. For  
 3 capital improvements that will be funded by the developer,  
 4 financial feasibility shall be demonstrated by being  
 5 guaranteed in an enforceable development agreement or  
 6 interlocal agreement pursuant to paragraph (10)(h), or other  
 7 enforceable agreement. These development agreements and  
 8 interlocal agreements shall be reflected in the schedule of  
 9 capital improvements if the capital improvement is necessary  
 10 to serve development within the 5-year schedule. If the local  
 11 government uses planned revenue sources that require referenda  
 12 or other actions to secure the revenue source, the plan must,  
 13 in the event the referenda are not passed or actions do not  
 14 secure the planned revenue source, identify other existing  
 15 revenue sources that will be used to fund the capital projects  
 16 or otherwise amend the plan to ensure financial feasibility.

17         6. The schedule must include transportation  
 18 improvements included in the applicable metropolitan planning  
 19 organization's transportation improvement program adopted  
 20 pursuant to s. 339.175(8)(7) to the extent that such  
 21 improvements are relied upon to ensure concurrency and  
 22 financial feasibility. The schedule must also be coordinated  
 23 with the applicable metropolitan planning organization's  
 24 long-range transportation plan adopted pursuant to s.  
 25 339.175(7)(6).

26         Section 24. Section 339.176, Florida Statutes, is  
 27 amended to read:

28         339.176 Voting membership for M.P.O. with boundaries  
 29 including certain counties.--In addition to the voting  
 30 membership established by s. 339.175(3)(2) and notwithstanding  
 31 any other provision of law to the contrary, the voting

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1 membership of any Metropolitan Planning Organization whose  
 2 geographical boundaries include any county as defined in s.  
 3 125.011(1) must include an additional voting member appointed  
 4 by that city's governing body for each city with a population  
 5 of 50,000 or more residents.

6 Section 25. Subsection (1) of section 341.828, Florida  
 7 Statutes, is amended to read:

8 341.828 Permitting.--

9 (1) The authority, for the purposes of permitting, may  
 10 utilize one or more permitting processes provided for in  
 11 statute, including, but not limited to, the metropolitan  
 12 planning organization long-range transportation planning  
 13 process as defined in s. 339.175~~(6)~~ and (7) and (8), in  
 14 conjunction with the Department of Transportation's work  
 15 program process as defined in s. 339.135, or any permitting  
 16 process now in effect or that may be in effect at the time of  
 17 permitting and will provide the most timely and cost-effective  
 18 permitting process.

19 Section 26. Section 2 of chapter 89-383, Laws of  
 20 Florida, is amended to read:

21 Section 2. RedRoad is hereby designated as a state  
 22 historic highway. No public funds shall be expended for:

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

25 (2) Any alteration of the physical dimensions or  
 26 location of Red Road, the median strip thereof, the land  
 27 adjacent thereto, or any part of the original composition of  
 28 the entranceway, including the towers, the walls, and the  
 29 lampposts.

30 (3) Any construction on or along Red Road of any new  
 31 structure, or any building, clearing, filling, or excavating

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1 on or along Red Road except for routine maintenance or  
2 alterations, modifications, or improvements to it and the  
3 adjacent right-of-way made for the purpose of enhancing life  
4 safety for vehicular or pedestrian use of Red Road if the  
5 number of traffic lanes is not altered ~~work which is essential~~  
6 ~~to the health, safety, or welfare of the environment.~~

7 Section 27. This act shall take effect July 1, 2007.

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