

Committee Substitute for Senate Bill No. 772

An act relating to the Department of Transportation; amending s. 20.23, F.S.; authorizing the Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; providing for a change in administrative duties; providing additional responsibilities of the Florida Transportation Commission; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining "motor coach"; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 311.07, F.S.; expanding the use of certain seaport funds; providing for a final audit of funds; amending s. 311.09, F.S.; providing overrule authority to certain state agencies; providing voting membership to certain state agencies; providing for expenditure of moneys derived from the Florida Seaport Transportation and Economic Development Program; amending s. 320.20, F.S.; authorizing revenue to be pledged to the payment of certain bonds under certain circumstances; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness programs; authorizing the department to adopt rules relating to approval of material sources; amending s. 334.187, F.S.; authorizing the department to adopt rules relating to the use of prepaid escrow accounts; amending s. 335.02, F.S.; providing a maximum lane policy; amending s. 336.025, F.S.; revising language with respect to the local option fuel tax to authorize county and municipal governments to use the funds for certain purposes; amending s. 337.025, F.S.; authorizing highway maintenance projects to be included in the innovative highway program; amending ss. 334.035 and 334.046, F.S.; providing prevailing principles for planning and developing transportation systems; amending s. 337.175, F.S.; providing for retainage flexibility; amending s. 337.18, F.S.; authorizing the department to adopt rules relating to surety bonds; amending s. 338.155, F.S.; authorizing the department to adopt rules with respect to guaranteed toll accounts; amending s. 338.161, F.S.; authorizing the department to incur advertising expenses for the promotion of toll facilities; amending s. 338.165, F.S.; providing that certain high occupancy toll lanes or express lanes may be continued under certain circumstances; amending s. 339.09, F.S.; authorizing the department to adopt rules relating to the expenditure of transportation revenues; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; providing prevailing principles; deleting certain planning factors; amending s. 339.175, F.S.; providing duties of the metropolitan planning Technical Advisory Committee; providing for a coordinating committee in certain M.P.O.'s; providing prevailing principles for planning and developing transportation systems for metropolitan planning organizations; deleting certain planning factors; amending s. 343.56, F.S.; authorizing the use of

certain federal funds to pay principal and interest on bonds; amending s. 343.63, F.S.; increasing the number of members appointed to the Central Florida Regional Transportation Authority by the Governor and providing that the member selected by the department be a nonvoting member; amending s. 343.64, F.S.; authorizing the board to enter into a partnership with any county which is contiguous to the existing service area; prohibiting the Central Florida Regional Transportation Authority from hiring a permanent executive director until appointments to the authority's governing board have been filled; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules relating to development of operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the commission relating to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the commission to community transportation coordinators; amending s. 479.01, F.S.; revising the definition of the term "premises"; amending s. 479.16, F.S.; revising language with respect to signs for which permits are not required; creating s. 552.30, F.S., relating to construction materials mining activities; providing authority of the State Fire Marshal; providing for the State Fire Marshal to establish certain limits; creating s. 325.205, F.S.; directing the Department of Environmental Protection to submit a revision to Florida's State Implementation Plan to the United States Environmental Protection Agency; repealing ss. 325.001, 325.201, 325.202, 325.203, 325.204, 325.206, 325.207, 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212, 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217, 325.218, and 325.219, F.S., which provide for inspection of motor vehicle exhaust emissions; amending ss. 316.2935 and 320.055, F.S.; correcting cross-references to conform to the act; providing effective dates.

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

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

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

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

(2)

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

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

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

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

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

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

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

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

(3)

(c) The secretary shall appoint an Assistant Secretary for Transportation Policy, an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:

1. Assistant Secretary for Transportation Policy.—
 - a. Development of the Florida Transportation Plan and other policy planning;
 - b. Development of statewide modal systems plans, including public transportation systems;
 - c. Design of transportation facilities;
 - d. Construction of transportation facilities; ~~and~~
 - e. Acquisition and management of transportation rights-of-way; and.
 - f. Administration of motor carrier compliance and safety.
2. Assistant Secretary for District Operations.—
 - a. Administration of the eight districts; and
 - b. Implementation of the decentralization of the department; ~~and~~
 - c. ~~Administration of motor carrier compliance and safety.~~
3. Assistant Secretary for Finance and Administration.—
 - a. Financial planning and management;
 - b. Information systems;
 - c. Accounting systems;
 - d. Administrative functions; and
 - e. Administration of toll operations.

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

 - a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;
 - b. Performing statewide activities which it is more cost-effective to perform in a central location;
 - c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and
 - d. Performing other activities of a statewide nature.
2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration;
- b. The Office of Policy Planning;
- c. The Office of Design;
- d. The Office of Highway Operations;
- e. The Office of Right-of-Way;
- f. The Office of Toll Operations; ~~and~~
- g. The Office of Information Systems; ~~and~~.
- h. The Office of Motor Carrier Compliance.

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

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

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

206.8745 Credits and refund claims.—

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

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

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

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

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

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

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

311.07 Florida seaport transportation and economic development funding.—

(3)

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

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.
8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.
9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section and s. 320.20 to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

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

311.09 Florida Seaport Transportation and Economic Development Council.—

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

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

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members ~~except for members representing the Department of Transportation; the Department of Community Affairs; and the Office of Tourism, Trade, and Economic Development~~. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5), unless The bylaws of the council may require a greater vote for a particular action.

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall be exempt from this requirement.

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

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

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, \$15 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9).

The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for nonmaritime purposes is prohibited. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

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

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

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds;~~;~~~~or~~

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

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of

wharves, docks, or similar structures. Funding for such projects shall require a 25 percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports

Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

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

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

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

(10)

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

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

334.187 Guarantee of obligations to the department.—

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

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

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

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

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

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

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

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

(e) Multimodal alternatives.

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

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

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

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

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

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

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

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

This subsection does not preclude a number of lanes in excess of 10 lanes, but an additional factor that must be considered before the department may determine that the number of lanes should be more than 10 is the capacity to accommodate in the future alternative forms of transportation within existing or potential rights-of-way. The standards may include the maximum number of lanes to be provided by state funds and access requirements for such facilities.

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

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

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local

option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

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

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

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

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

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the

maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than \$120 million in contracts annually for the purposes authorized by this section.

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

334.035 Purpose of transportation code.—The purpose of the Florida Transportation Code is to establish the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems serving the people of the state and to assure the development of an integrated, balanced statewide transportation system. The prevailing principles to be considered in planning and developing these transportation systems are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility which enhances economic development through promotion of international trade and interstate and intrastate commerce. This code is necessary for the protection of the public safety and general welfare and for the preservation of all transportation facilities in the state. The chapters in the code shall be considered components of the total code, and the provisions therein, unless expressly limited in scope, shall apply to all chapters.

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

334.046 Department mission, goals, and objectives.—

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

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

(3)(2) The department shall document in the Florida Transportation Plan, in accordance with s. 339.155 and based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility, pursuant to s. 339.155 the goals and objectives that which provide statewide policy guidance for accomplishing the department's mission.

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

(a) Preservation.—Protecting the state's transportation infrastructure investment. Preservation includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

337.18 Surety bonds; requirement with respect to contract award; defaults; damage assessments.—

(1) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. For a project for which the contract price is \$150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons furnishing labor, material, equipment, and supplies therefor; however, whenever an improvement, demolition, or removal contract price is \$25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

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

338.155 Payment of toll on toll facilities required; exemptions.—

(1) No persons are permitted to use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any Florida highway patrol officer, sheriff, deputy sheriff, or municipal police officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18. The department is authorized to adopt rules relating to guaranteed toll accounts.

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

338.161 Authority of department to advertise and promote electronic toll collection.—

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

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

338.165 Continuation of tolls.—

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

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

339.09 Use of transportation tax revenues; restrictions.—

(2) The department may, in cooperation with the Federal Government, expend transportation tax revenues pursuant to rules adopted by the department, for control of undesirable rodents, relocation assistance, and moving costs of persons displaced by highway construction and other related transportation projects to the extent, but only to the extent, required by federal law to be undertaken by the state to continue to be eligible for federal highway funds.

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

339.155 Transportation planning.—

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

(2) SCOPE OF PLANNING PROCESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(j) Recreational travel and tourism.~~
- ~~(k) Any state plan developed pursuant to the Federal Water Pollution Control Act.~~
- ~~(l) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.~~
- ~~(m) The total social, economic, energy, and environmental effects of transportation decisions on the community and region.~~
- ~~(n) Methods to manage traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant vehicle travel.~~
- ~~(o) Methods to expand and enhance transit services and to increase the use of such services.~~
- ~~(p) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decision-making and the provisions of all applicable short-range and long-range land use and development plans.~~
- ~~(q) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.~~
- ~~(r) Preservation and management of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identification of those corridors for which action is most needed to prevent destruction or loss.~~
- ~~(s) Future, as well as existing, needs of the state transportation system.~~
- ~~(t) Methods to enhance the efficient movement of commercial motor vehicles.~~
- ~~(u) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.~~
- ~~(v) Investment strategies to improve adjoining state and local roads that support rural economic growth and tourism development, federal agency renewable resources management, and multipurpose land management practices, including recreation development.~~
- ~~(w) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the state.~~
- ~~(x) A seaport or airport master plan, which has been incorporated into an approved local government comprehensive plan, and the linkage of transportation modes described in such plan which are needed to provide for the movement of goods and passengers between the seaport or airport and the other transportation facilities.~~

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

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

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

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

(a) A long-range component documenting the goals and long-term objectives necessary to implement the results of the department's findings from its examination of the criteria listed in subsection (2) and s. 334.046(1). The long-range component must be developed in cooperation with the metropolitan planning organizations and reconciled, to the maximum extent feasible, with the long-range plans developed by metropolitan planning organizations pursuant to s. 339.175. The plan must also be developed in consultation with affected local officials in nonmetropolitan areas and with any affected Indian tribal governments. The plan must provide an examination of transportation issues likely to arise during at least a 20-year period. The long-range component shall be updated at least once every 5 years, or more often as necessary, to reflect substantive changes to federal or state law.

(b) A short-range component documenting the short-term objectives and strategies necessary to implement the goals and long-term objectives contained in the long-range component. The short-range component must define the relationship between the long-range goals and the short-range objectives, specify those objectives against which the department's achievement of such goals will be measured, and identify transportation strategies necessary to efficiently achieve the goals and objectives in the plan. It must provide a policy framework within which the department's legislative budget request, the strategic information resource management plan, and the work program are developed. The short-range component shall serve as the department's annual agency strategic plan pursuant to s. 186.021. The short-range component shall be developed consistent with the requirements of s. 186.022 and consistent with available and forecasted state and federal funds. In addition to those entities listed in s. 186.022, the short-range component shall also be submitted to the Florida Transportation Commission.

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

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

(5) ADDITIONAL TRANSPORTATION PLANS.—

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

(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (2) and s. 334.046(1). The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations which the department and the metropolitan planning organizations shall take under advisement. Further, the regional planning councils shall directly assist local governments which are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans as required by s. 163.3177.

(6) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION PLANNING.—

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

(b) During development of major transportation improvements, such as those increasing the capacity of a facility through the addition of new lanes or providing new access to a limited or controlled access facility or construction of a facility in a new location, the department shall hold one or more hearings prior to the selection of the facility to be provided; prior to the selection of the site or corridor of the proposed facility; and prior to the selection of and commitment to a specific design proposal for the proposed facility. Such public hearings shall be conducted so as to provide an opportunity for effective participation by interested persons in the process of transportation planning and site and route selection and in the specific location and design of transportation facilities. The various factors involved in the decision or decisions and any alternative proposals shall be clearly presented so that the persons attending the hearing may present their views relating to the decision or decisions which will be made.

(c) Opportunity for design hearings:

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

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

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

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

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

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

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

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

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of

this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an inter-modal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.—

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

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

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

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

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

consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

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

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Spaceport Florida Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

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

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

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

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

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

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

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

(3) APPORTIONMENT.—

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

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

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

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

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

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

1. A long-range transportation plan pursuant to the requirements of subsection (6);
2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and
3. An annual unified planning work program pursuant to the requirements of subsection (8).

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

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety and security of the transportation system for motorized and nonmotorized users;
3. Increase the accessibility and mobility options available to people and for freight;
4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
6. Promote efficient system management and operation; and
7. Emphasize the preservation of the existing transportation system.

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

- ~~1. The consistency of transportation planning with applicable federal, state, and local energy conservation programs, goals, and objectives;~~
- ~~2. The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with all applicable short-term and long-term land use and development plans;~~
- ~~3. The preservation of rights-of-way for construction of future transportation projects, including the identification of unused rights-of-way that may be needed for future transportation corridors and the identification of corridors for which action is most needed to prevent destruction or loss;~~
- ~~4. The overall social, economic, energy, and environmental effects of transportation decisions; and~~
- ~~5. Available methods to expand or enhance transit services and increase the use of such services.~~
- ~~6. The possible allocation of capital investments to increase security for transit systems.~~

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

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;
2. Assist the department in mapping transportation planning boundaries required by state or federal law;
3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;
4. Execute all agreements or certifications necessary to comply with applicable state or federal law;
5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
6. Perform all other duties required by state or federal law.

(d)(e) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities,

port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service. identifying projects contained in the long-range transportation plan or transportation improvement program which deserve to be classified as a school safety concern. Upon receipt of the recommendation from the technical advisory committee that a project should be so classified, the M.P.O. must vote on whether to classify a particular project as a school safety concern. If the M.P.O. votes that a project should be classified as a school safety concern, the local governmental entity responsible for the project must consider at least two alternatives before making a decision about project location or alignment.

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

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

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

(g)(h) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

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

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

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

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

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs.

Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

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

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

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

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

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

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

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

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation

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

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

343.56 Bonds not debts or pledges of credit of state.—Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds shall contain a statement on their face to this effect. However, federal funds being passed through the department to the Tri-County Rail system and those state matching funds required by the United States Department of Transportation as a condition of federal funding may be used to pay principal and interest of any bonds issued.

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

343.63 Central Florida Regional Transportation Authority.—

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

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

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

(c) The Governor shall appoint five ~~two~~ members to the board ~~who are residents and qualified electors in the area served by the board~~. Two of the members shall be residents of Orange County, one member shall be a resident of Seminole County, one member shall be a resident of Osceola County, and one member shall be a resident of the City of Orlando. All five members

~~One of the members initially appointed by the Governor shall serve a term of 2 years, and the other shall serve a term of 4 years. Thereafter, members appointed by the Governor shall serve a term of 4 years.~~

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

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

343.64 Powers and duties.—

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

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

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

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

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

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

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

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

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

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

(3) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. However, a member department may not serve as the community transportation coordinator in any designated service area.

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

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

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

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

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

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

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

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

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

- (a) Messages which specifically reference any commercial enterprise.
- (b) Messages which reference a commercial sponsor of any event.
- (c) Personal messages.
- (d) Political campaign messages.

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

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

552.30 Construction materials mining activities.—

(1) Notwithstanding the provisions of s. 552.25, the State Fire Marshal shall have the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Such authority to regulate use shall include, directly or indirectly, the operation, handling, licensure, or permitting of explosives and setting standards or limits, including, but not limited to, ground vibration, frequency, intensity, blast pattern, air blast and time, date, occurrence, and notice restrictions. As used in this section, “construction materials mining activities” means the extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials by any person or company primarily engaged in the commercial mining of any such natural resources.

(2) The State Fire Marshal shall establish statewide ground vibration limits for construction materials mining activities which conform to those

limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B - Alternative Blasting Level Criteria (Figure B-1). The State Fire Marshal may, at his or her sole discretion, by rule or formal agreement, delegate to the applicable municipality or county, the monitoring and enforcement components of regulations governing the use of explosives, as recognized in this section, by construction materials mining activities. Such delegation may include the assessment and collection of reasonable fees by the municipality or county for the purpose of carrying out the delegated activities.

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

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

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

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

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

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

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

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(4) For a vehicle subject to registration under s. 320.08(13), for vehicles subject to registration under s. 320.08(6)(a) that are short-term rental vehi-

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

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

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.