

CHAPTER 2007-196

Council Substitute for **Council Substitute for House Bill No. 985**

An act relating to transportation; amending s. 20.23, F.S.; requiring the commission to monitor transportation authorities and conduct periodic reviews of each authority; prohibiting a member of the commission from entering into the day-to-day operation of a monitored authority; amending s. 112.061, F.S.; authorizing metropolitan planning organizations and certain separate entities to establish per diem and travel reimbursement rates; amending s. 120.52, F.S.; excluding expressway authorities under ch. 349, F.S., from the definition of the term “agency” for certain purposes; amending s. 349.03, F.S.; revising provisions for officers and employees of the Jacksonville Transportation Authority; amending s. 349.04, F.S.; providing for the adoption of rules by the Jacksonville Transportation Authority for certain purposes; amending s. 121.021, F.S.; defining the term “metropolitan planning organization” for purposes of the Florida Retirement System Act; revising definitions to include M.P.O.’s and positions in M.P.O.’s; amending s. 121.051, F.S.; providing for M.P.O.’s to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain M.P.O. staff positions to be in the Senior Management Service Class; amending s. 121.061, F.S.; providing for enforcement of certain employer funding contributions required under the Florida Retirement System; authorizing deductions of amounts owed from certain funds distributed to an M.P.O.; authorizing the governing body of an M.P.O. to file and maintain an action in court to require an employer to remit retirement or social security member contributions or employer matching payments; amending s. 121.081, F.S.; providing for M.P.O. officers and staff to claim credit for past service for retirement benefits; amending s. 163.3180, F.S.; authorizing the establishment of a study to evaluate the benefits and barriers of establishing a regional multimodal transportation concurrency district; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 163.3191, F.S.; exempting from a prohibition on plan amendments certain amendments to local comprehensive plans concerning the integration of port master plans; amending s. 212.055, F.S.; deleting a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the proceeds of certain discretionary taxes; amending s. 215.615, F.S.; revising the Department of Transportation’s requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the

payment of bonds; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 316.2123, F.S.; authorizing a county to designate certain unpaved roadways where an ATV may be operated; providing conditions for such operation; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; removing procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; revising authorized uses of revenue received by a county from a certain surcharge; revising penalty provisions to provide for certain criminal penalties; imposing a surcharge to be paid for specified traffic-related criminal offenses and all moving traffic violations; providing for distribution of the proceeds of the surcharge to be used for the state agency law enforcement radio system; providing for future expiration; amending s. 318.21, F.S.; revising distribution provisions to provide for distribution of the surcharge; providing for future expiration; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to photograph or otherwise record any feature or detail on a license plate; providing penalties; repealing second paragraph contained in Specific Appropriation 2188 of the 2007-2008 General Appropriations Act; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; extending the timeframe that the department is authorized to provide operational and maintenance assistance to certain airports and may redirect the use of certain funds to security-related or economic-impact projects related to the events of September 11, 2001; amending s. 332.14, F.S.; providing that certain members of the Secure Airports for Florida's Economy Council shall be nonvoting members; authorizing certain members to overrule certain actions of the council; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 336.41, F.S.; revising an exception to competitive-bid requirements for certain

county road construction and reconstruction projects; increasing the value threshold under which the exception applies; defining the term “construction aggregate materials”; providing legislative intent; prohibiting a local government from approving or denying a land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering information provided by the Department of Transportation and considering the effect of such decision; prohibiting an agency from imposing a moratorium on the mining and extraction of construction aggregate materials of longer than a specified period; providing that limerock environmental resource permitting and reclamation applications are eligible to be expedited; establishing the Strategic Aggregates Review Task Force; providing for membership, staffing, reporting, and expiration; providing for support and the coordination of data and information for the task force; requiring that the task force report its findings to the Governor and the Legislature; providing report requirements; providing for the dissolution of the task force; creating s. 337.026, F.S.; authorizing the Department of Transportation to pursue procurement techniques relating to construction aggregate materials; authorizing the department to enter into agreements for construction aggregate materials; providing exceptions; providing requirements for such exceptions; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; amending s. 338.2275, F.S.; raising the limit on outstanding bonds to fund turnpike projects; removing a provision authorizing the department to acquire the Sawgrass Expressway from the Broward County Expressway Authority; amending s. 338.231, F.S.; extending the time-frame for application of requirement that the department program in the tentative work program certain funds relative to the share of toll collections attributable to users of the turnpike system in certain areas; removing a reference to conform; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program for Sustainable Transportation; authorizing the department to use funds for certain circumstances; amending s. 339.175, F.S.; revising intent; providing the method of creation and operation of M.P.O.’s required to be designated pursuant to federal law; specifying that an M.P.O. is separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O.; providing specified

powers and privileges to the M.P.O.; providing for the designation and duties of certain officials; revising requirements for voting membership; defining the term “elected officials of a general-purpose local government” to exclude certain constitutional officers for voting membership purposes; providing for the appointment of alternates and advisers; providing that members of an M.P.O. technical advisory committee shall serve at the pleasure of the M.P.O.; providing for the appointment of an executive or staff director and other personnel; authorizing an M.P.O. to enter into contracts with public or private entities to accomplish its duties and functions; providing for the training of certain persons who serve on an M.P.O. for certain purposes; requiring that certain plans, programs, and amendments that affect projects be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present; amending s. 339.2819, F.S.; revising the share of matching funds for a public transportation project provided from the Transportation Regional Incentive Program; creating s. 339.282, F.S.; providing legislative findings; providing that property owners or developers who voluntarily contribute right-of-way and physically construct or expand a state transportation facility or segment may receive certain credits against any future transportation concurrency requirements under certain conditions; creating s. 339.285, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; amending s. 339.55, F.S.; providing for the use of State Infrastructure Bank loans for certain damaged transportation facilities in areas officially declared to be in a state of emergency; providing criteria; amending s. 339.63, F.S.; specifying criteria for types of facilities of the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Department of Transportation to designate facilities to an intermodal system based on the criteria; directing the Secretary of Transportation to designate airports meeting specified criteria as part of the Strategic Intermodal System; amending s. 341.071, F.S.; requiring certain public transit providers to annually report potential productivity and performance enhancements; amending s. 343.81, F.S.; prohibiting elected officials from serving on the Northwest Florida Transportation Corridor Authority; providing for application of the prohibition to apply to persons appointed to serve on the authority after a certain date; amending s. 343.82, F.S.; directing the authority to plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges, and appurtenant structures, spanning Choctawhatchee Bay or Santa Rosa Sound; authorizing the authority to construct, operate, and maintain said bridges and structures; amending s. 334.30, F.S.; authorizing the Department of Transportation to advance certain projects in the Strategic Intermodal System Plan using funds provided by public-private partnerships or private entities; providing criteria for such leasing agreements; providing that procurements of public-private partnerships are not subject to specified provisions unless they are part of the procurement agreement or the public-private agreement; extending the unsolicited private proposal advertisement period; providing criteria for qualification of public-private partnerships as part of the procurement process; providing for certain innovative financing techniques for public-private partnerships; authorizing the department to enter into public-private

partnership agreements that include extended terms under certain conditions; requiring the department to provide a summary of new public-private partnerships under certain conditions; requiring certain projects to be prioritized for selection; providing public-private partnership agreement term limits; limiting the amount of certain funds that may be obligated for public-private projects; removing a provision for the speed of a certain fixed-guideway transportation system; amending s. 338.165, F.S.; providing for toll rate increases that are tied to certain inflation indicators; providing for increases beyond inflation amounts; amending s. 338.234, F.S.; granting the Florida Turnpike Enterprise, its lessees, and licensees an exemption from paying commercial rental tax on capital improvements; amending s. 348.0003, F.S.; revising members' financial disclosure requirements; amending s. 348.0004, F.S.; authorizing certain transportation-related authorities to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; amending s. 348.0012, F.S.; revising provisions for certain exemptions from the Florida Expressway Authority Act; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending ss. 163.3177, 339.176, and 341.828, F.S.; correcting cross-references; amending s. 2, ch. 89-383, Laws of Florida; providing for certain alterations to and along Red Road in Miami-Dade County for transportation safety purposes; amending s. 479.01, F.S.; defining the term "wall mural"; creating s. 479.156, F.S.; providing for the regulation of wall murals by municipalities and counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation to approve a wall mural under certain conditions; amending s. 316.1951, F.S.; revising provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental; providing exceptions; prohibiting certain acts in the sale of motor vehicles; providing the Department of Management Services authority to issue bonds for the site development and construction of a First District Court of Appeals facility at a specified location; providing an effective date.

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

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

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.
2. Authority, including a regional water supply authority.
3. Board.
4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.
5. Regional planning agency.
6. Multicounty special district with a majority of its governing board comprised of nonelected persons.
7. Educational units.
8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, an expressway authority pursuant to chapter 348 or transportation authority under chapter 349, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Section 65. This act shall take effect July 1, 2007.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.