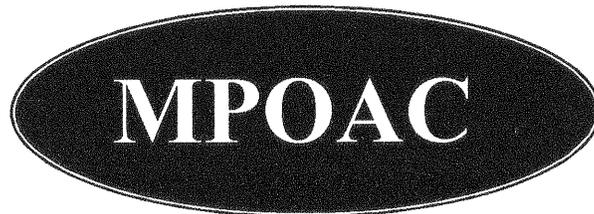


**Florida Metropolitan Planning
Organization Advisory Council**



2006 Summary of State Legislation

May 16, 2006

Table of Contents

	Page
General Transportation Bill (SB 1350)	1
Fixed guideway revenue bonds	1
Bid advertising	1
Contractor prequalification.....	1
Surety bonds.....	2
Turnpike Enterprise bond cap.....	2
Local option rental car surcharge.....	2
South Florida Regional Transportation Authority.....	2-3
Electronic toll collection systems.....	4
 Growth Management Bill (HB 683)	 5
Florida Interlocal Cooperation Act.....	5
Community development and road and bridge districts.....	5
Developments of regional impact.....	5
Substantial deviations.....	6
Guidelines and standards.....	6-7
 Enhanced Bridge Program for Sustainable Transportation (SB 2300)	 8
Florida Seaport Transportation Economic Development Projects.....	8
Florida seaports appropriation.....	8
Enhanced Bridge Program authorization and program.....	8
Fund matching provision.....	9
Local bridge projects.....	9
Bridges on highly congested roads.....	9
 Florida Commission for the Transportation Disadvantaged (HB 487)	 10
Voting membership.....	10
Nonvoting advisors.....	10
Candidate member criteria.....	10
Technical working group.....	11
Funding allocation methodology.....	11
 Denial of Development Permits (SB 1112)	 13
 Public Records Exemption for SFRTA (HB 117)	 13
 Outdoor Advertising Signs (HB 273)	 13

Summary of the General Transportation Bill (SB 1350)

Items of Interest to MPOs

Section 1 (s. 215.615, F.S.)

- **Revises the matching fund formula for fixed-guideway revenue bonds to allow for various matching scenarios up to a limit of 50 percent on the State's share of the eligible project cost.**

The Florida Department of Transportation and any participating commuter rail authority or regional transportation authority, local governments, or local governments collectively by interlocal agreement having jurisdiction of a fixed-guideway transportation system may enter into an interlocal agreement to finance or refinance fixed-guideway transportation system projects by revenue bonds. The Department may fund up to 50 percent of eligible project costs as part of such an interlocal agreement.

Further, the Division of Bond Finance is authorized to consider innovative financing techniques which may include, but are not limited to, innovative bidding and structures of potential financings that may result in negotiated transactions.

Section 2 (s. 337.11, F.S.)

- **Expands the rules governing general advertising of bids to include those projects of less than \$500,000 for which contractors do not need to be pre-qualified.**

On all construction contracts of \$250,000 or less, as well as any construction contract of less than \$500,000 which the department has waived prequalification, the Florida Department of Transportation shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days prior to the date on which bids are to be received.

Section 3 (s. 337.14, F.S.)

- **Allows the Florida Department of Transportation to waive the requirement for contractors to be pre-qualified to bid on projects when the contract price is under \$500,000, is of a noncritical nature and noncompliance will not endanger the public health, safety, or welfare.**

Section 4 (s. 337.18, F.S.)

- **Modifies regulations governing surety bonds for Florida Department of Transportation construction and maintenance project contracts.**

The Florida Department of Transportation may choose, at its discretion, to allow maintenance contractors to incrementally bond the work on multiyear maintenance contracts. The Department may waive the requirement for all or a portion of a surety bond for a project of \$250,000 or less if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. Additionally, the Department may waive the surety bond requirement for contracts greater than \$250 million provided the contractor can provide alternate means of security for the balance of the contract amount.

Section 5 (s. 338.2275, F.S.)

- **Increases the maximum outstanding bond debt allowed for Florida's Turnpike Enterprise projects from \$4.5 billion to \$6 billion.**

Section 6 (s. 212.0606, F.S.)

- **Provides for a local option rental car surcharge of up to \$2 per day on the lease or rental of motor vehicles by countywide referendum.**

The bill authorizes counties to impose by ordinance a \$2 per day surcharge on the lease or rental of motor vehicles designed to carry fewer than nine passengers, regardless of whether the vehicle is licensed in Florida. Imposition of the surcharge is subject to approval via a countywide referendum. The surcharge may only apply to the first 30 days of each lease or rental. The surcharge does not apply to a person renting a vehicle while their own vehicle is being repaired (verifiable by a receipt and proof of ownership). Proceeds of the local option rental car surcharge must be deposited in the Local Option Fuel Tax Trust Fund for statewide distribution and be used for transportation facilities. The Department of Revenue is authorized to distribute proceeds from the surcharge directly to those counties imposing the surcharge that have entered into interlocal funding agreements with regional transportation authorities.

Section 7 (s. 343.54, F.S.)

- **Clarifies the role of the South Florida Regional Transportation Authority as a transit agency.**

Reference in law to "commuter rail" as it relates to the South Florida Regional Transportation Authority was removed to reflect the authority's broader transit mission.

Section 8 (s. 343.55, F.S.)

- **Assures holders of bonds issued by the South Florida Regional Transportation Authority that the state will not limit or alter the rights vested in the Authority until all bonds issued by the Authority are paid off and fully discharged.**

The state pledges to and agrees with any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of the South Florida Regional Transportation Authority Act that the state will not limit or alter the rights vested in the authority under this section until all bonds at any time issued and secured by revenues remitted to the authority, together with the interest thereon, are fully paid and discharged.

Section 9 (s. 343.58, F.S.)

- **Makes a variety of finance related changes to the South Florida Regional Transportation Authority Act.**

Specific finance related changes to the South Florida Transportation Authority Act as follows.

- Clarifies the requirement that each of the three counties served by the South Florida Regional Transportation Authority dedicate and transfer not less than \$2.67 million annually to the Authority for capital funding, as well as not less than \$4.2 million annually from each county for operating costs, by specifying the funds must be dedicated prior to October 31 of each fiscal year
- Deletes the provision allowing the three counties to collect a \$2 fee on initial and renewal vehicle registrations within their boundaries upon approval by countywide referendum.
- Specifies that at least \$45 million of the state-authorized, local-option, rental-car surcharge available to Broward, Miami-Dade and Palm Beach Counties be directed to the Authority to fund capital, operating, and maintenance expenses. This funding may only be dedicated to the Authority if all three counties impose the local-option funding source.
- Eliminates the annual capital and operating funding contributions from the individual three counties (not less than \$2.67 million for capital and \$4.2 million for operating) if and when the local option rental-car surcharge (\$45 million) becomes available. However, the local contributions would be required to resume if the funding from the local option rental-car surcharge ceases.

- Extends from December 31, 2009, to December 31, 2015, the date on which the local capital funding for the Authority ceases if no federal matching funds have been received.

Section 11 (s. 338.161, F.S.)

- **Modifies and clarifies the authority of the Florida Department of Transportation and toll agencies to incur advertising expenses, use electronic toll collection systems to pay for parking and investigate additional uses of electronic toll collection systems.**

The Florida Department of Transportation or any toll agency created by statute may incur expenses to advertise or promote its electronic toll collection system to consumers on or off the turnpike or toll system. The Department or toll agency may enter into agreements with any private or public entity allowing the use of its electronic toll collection system to pay parking fees for vehicles equipped with a transponder or similar device. The Department or toll agency may also initiate feasibility studies of additional future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.

Summary of the Growth Management Bill (HB 683)

Items of Interest to MPOs

Section 1 (s. 163.01, F.S.)

- **Amends the Florida Interlocal Cooperation Act of 1969 to permit certain interlocal agreements with signatories from multiple counties to filed in a single county.**

A separate legal or administrative entity that administers an interlocal agreement, for which the parties are located in multiple counties, are now allowed to file the agreement and any amendments thereto with the clerk of the circuit court in the county where the legal or administrative entity maintains its principal place of business.

Section 5 (s. 336.68, F.S.)

- **Outlines property owner rights and options within the boundaries of a community development district and special road and bridge districts.**

Property owners having real property located within the boundaries of a community development district (CDD) and a special road and bridge district have the option to select the CDD to provide road and drainage improvements to their property. Criteria and a process are established for property owners to remove real property from a special road and bridge district. The governing body of the special road and bridge district is authorized to file a written objection regarding the proposed withdrawal of the property from the district within a specified time period.

Sections 8 (s. 380.06, F.S.)

- **Details several changes related to Developments of Regional Impact.**

A local government or the developer may request the state land planning agency to make an informal determination as to whether a development of regional impact (DRI) meets the criteria to be “essentially built out.” The term “termination date” is replaced with “buildout date.” Additional criteria are provided for a local government to issue a development permit subsequent to the buildout date in the development order. Criteria are specifies for when the single-family portions of a development may be considered essentially built out.

Additional exemptions from DRI review are provided and percentages and thresholds are increased that trigger DRI review by approximately 10 percent for proposed changes to a previously approved development. An increase in

residential units is allowed without going through DRI review if the proposed increase is below the statutory threshold and a specified percentage of those units are dedicated to affordable housing. The substantial deviation numerical standards are revised to include certain types of development as eligible for a 100-percent or 50-percent increase in the standards for projects located in specific areas. Technical changes were also made to the provision governing an extension of the buildout date.

A process is provided for making certain changes that otherwise would go through a notice of proposed change. An increase in residential units for a project does not constitute a substantial deviation that requires additional DRI review if all of the units are dedicated to affordable housing and the increase does not exceed 200 percent of the substantial deviation threshold. Existing statutory exemptions are revised and new exemptions from the DRI review process are provided.

A 12-month period is provided during which a local government may negotiate a binding agreement with impacted jurisdictions to address transportation impacts in order to enjoy an exemption from DRI review for projects located within an urban service boundary, a designated urban infill and redevelopment area, or a rural land stewardship area. In the absence of an agreement or at the option of the local government, the DRI review may proceed, but will address transportation impacts only.

Section 9 (s. 380.0651, F.S.)

- **An increase is provided for in the applicable residential development guidelines and standards and the thresholds for substantial deviations for residential development if a specified percentage of those units are dedicated to workforce housing.**

The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling.

Section 11 (s. 380.115, F.S.)

- **Clarifies and amends guidelines and standards pertaining to the abandonment or rescission of development of regional impact requirements.**

The process for abandoning a DRI development order is amended to require a local government to rescind a DRI at the request of the developer or landowner if all the required mitigation has been completed proportionate to the amount of development existing on the proposed date of rescission.

Summary of An Act Relating to the Enhanced Bridge Program for Sustainable Transportation, Seaports and Other Transportation Issues (SB 2300)

Items of Interest to MPOs

Section 2 (s. 320.20 F.S.)

- **Changes the funds distribution method for Florida Seaport Transportation and Economic Development Program projects.**

Changes funds distribution method for \$15 million set aside for the Florida Seaport Transportation and Economic Development Program from the State Transportation Trust Fund (STTP). The Florida Seaport Transportation and Economic Development Council (Council) shall submit to the Florida Department of Transportation (FDOT) a list of recommended projects for funding under the program. FDOT shall then approve the final distribution of funds and include the selected projects for in the tentative work program. The distribution of funds for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan must also be submitted to FDOT for funding approval.

- **Appropriates \$5 million annually (in addition to the current \$15 million) from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program and seaport intermodal access projects of statewide significance**

Appropriated revenues will be distributed for selected projects using the method described above. Matching criteria are outlined as are eligible matching funds sources. Appropriated revenues allocated for selected projects may be assigned, pledged, or set aside as trust for bond payments, tax anticipation certificates, or other forms of indebtedness. Revenues not pledged for the repayment of bonds may be used for other purposes authorized under the Florida Seaport Transportation and Economic Development Program.

Section 4 (s. 339.08 F.S.)

- **Authorizes the expenditure of monies from the State Transportation Trust Fund to fund the Enhanced Bridge Program for Sustainable Transportation.**

Section 5 (s. 339.282 F.S.)

- **Creates the Enhanced Bridge Program for Sustainable Transportation.**

The Enhanced Bridge Program for Sustainable Transportation is established within Florida Department of Transportation. The program is designed to

improve the sufficiency rating of local bridges across the state and relieve congestion on the State Highway System or local roads with high-cost bridges.

- **Establishes the fund matching provisions for the Enhanced Bridge Program for Sustainable Transportation.**

The Florida Department of Transportation may provide up to 50 percent of eligible project costs under the Enhanced Bridge Program for Sustainable Transportation. The remaining 50 percent of eligible project costs must be provided by local match.

- **Requires at least 25% of funds for the Enhanced Bridge Program for Sustainable Transportation to be allocated to local bridge projects on non-State Highway System public roads**

At least 25% of the funding available for the Enhanced Bridge Program for Sustainable Transportation must be allocated for local bridge projects to replace, rehabilitate, paint, or install scour countermeasures to highway bridges located on non-State Highway System public roads. Eligibility criteria for candidate projects are established. Bridges closed to all traffic or that have a load restriction of less than 10 tons will be given special consideration.

- **Requires the remaining funding for the Enhanced Bridge Program for Sustainable Transportation to be spent on improving highly congested roads on the State Highway System or local roads with high-cost bridges.**

Enhanced Bridge Program for Sustainable Transportation funds not allocated to local bridge projects on non-State Highway System (SHS) public roads must be spent to improve highly congested roads on the SHS, or local roads with high-cost bridges for the purpose of relieving congestion or providing an alternative corridor.

The section also establishes eligibility conditions for candidate projects. Bridge projects on regionally significant corridors connecting to the Strategic Intermodal System will receive preference.

Summary of the Commission for the Transportation Disadvantaged Bill (HB 487)

Items of Interest to MPOs

Section 1 (s. 427.012 F.S.)

- **Restructures the voting membership of the Florida Commission for the Transportation Disadvantaged by reducing the Commission's membership from 27 to 7 persons.**

Seven voting members appointed by the Governor for a term of four years (with the option to be reappointed for an additional four year term). Two of the members must be persons with a disability who use the transportation disadvantaged system. Five of the members must have significant experience in the operation of a business. At any given time, at least one member must be at least 65 years of age. The Commission chairperson will be appointed by the Governor while the vice-chairperson will be elected annually from the membership for the Commission. Each member of the Commission must be a resident of the state and a registered voter. In addition, when making an appointment, it is the intent of the Legislature that the Governor select persons who reflect the broad diversity of the business community in the state, as well as the racial, ethnic, geographical, and gender diversity of the population of the state. Each member shall represent the needs of the transportation disadvantaged throughout the state and must serve without regional bias. Commission quorum requirements are adjusted to reflect the changes in membership.

- **Creates 8 ex officio, nonvoting advisors to the Commission representing state agencies and a representative of County government who is appointed by the Governor**

The following serve as ex officio, nonvoting advisors of the Commission:

- The Department of Transportation (DOT) secretary or a designee;
 - The Department of Children and Family Services or designee;
 - The Agency for Workforce Innovation director or designee;
 - The Department of Veteran's Affairs executive director or designee;
 - The Department of Elderly Affairs secretary or designee;
 - The Agency for Health Care Administration director or designee;
 - The Agency for Persons with Disabilities director or designee; and
 - A county manager or administrator or designee who is appointed by the Governor.
- **Requires candidates to meet certain standards for background to serve as a member of the Commission. Additionally candidates may not have served as a lobbyist for or had a financial relationship with certain designated**

agencies/organizations within the five years immediately before his/her appointment to the Commission

Each candidate for appointment to the Commission must, before accepting the appointment, undergo background screening administered by the Department of Transportation. The Department of Transportation shall screen the background results and inform the Commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

A member may not, within the 5 years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist, the following:

- A transportation operator;
 - A community transportation coordinator;
 - A metropolitan planning organization;
 - A designated official planning agency;
 - A purchaser agency;
 - A local coordinating board;
 - A broker of transportation; or
 - A provider of transportation services.
- **Requires the Commission to appoint a technical working group that includes representatives of private paratransit providers. The Commission may appoint other technical working groups.**

The commission shall appoint a technical working group that includes representatives of private paratransit providers. The technical working group shall advise the commission on issues of importance to the state, including information, advice, and direction regarding the coordination of services for the transportation disadvantaged. The commission may appoint other technical working groups whose members may include representatives of community transportation coordinators; metropolitan planning organizations; regional planning councils; experts in insurance, marketing, economic development, or financial planning; and persons who use transportation for the transportation disadvantaged, or their relatives, parents, guardians, or service professionals who tend to their needs.

Section 2 (s. 427.013 F.S.)

- **Requires the Commission to develop, in Consultation with the Agency for Health Care Administration, a funding allocation methodology for transportation funds under the control of the Commission.**

In consultation with the Agency for Health Care Administration and the Department of Transportation, the Commission is required to develop an allocation methodology that equitably distributes all transportation funds under the control of the Commission to compensate counties, community transportation coordinators, and other entities providing transportation disadvantaged services. The methodology shall consider such factors as the actual cost of transportation disadvantaged trips based on prior-year information, efficiencies that a provider might adopt to reduce costs, as well as cost efficiencies of trips when compared to the local cost of transporting the general public. The methodology shall separately account for Medicaid beneficiaries does not supersede the authority of the Agency for Health Care Administration to distribute Medicaid funds.

Summary of Other Transportation Related Bills

Items of Interest to MPOs

- **SB 1112 An Act Relating to the Denial of Development Permits**

Requires a county (s. 125.022 F.S.) or a municipality (s. 166.033 F.S.) provide written notice to an applicant when denying an application for a development permit. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. The term "development permit" is also defined for the purposes of this section of law.

- **HB 117 An Act Creating a Public Records Exemption for the South Florida Regional Transportation Authority**

Creates a public records exemption for appraisal reports, offers, and counteroffers related to land acquisition by the South Florida Regional Transportation Authority until execution of an option contract, or barring that, until 30 days before a purchase or agreement comes before the Authority for approval. The Authority is allowed to disclose, at its discretion, appraisal reports to property owners or to third parties assisting in land acquisition.

- **HB 273 An Act Relating to Outdoor Advertising Signs**

Protects the view zone of existing outdoor advertising signs from encroachment by beautification projects, trees, other vegetation (s. 479.106 F.S.) and noise-attenuation barriers (s. 479.25 F.S.). Beautification projects, trees, or other vegetation can no longer be planted or located in the view zone of legally erected and permitted outdoor advertising signs which have been permitted prior to the date of the beautification project or other planting, where such planting will, at the time of planting or after future growth, screen such sign from view. Additionally, the owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign at its permitted location if a noise-attenuation barrier is permitted by or erected by any governmental entity in such a way as to screen or block visibility of the sign.

Criteria establishing the location and dimensions of outdoor advertising sign view zones are established along the public rights-of-way of interstate highways, expressways, federal-aid primary highways, and the State Highway System. The Department of Transportation and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. Procedures for alleging a violation of the view shed of an outdoor advertising sign are established as are the remedies for such a violation.