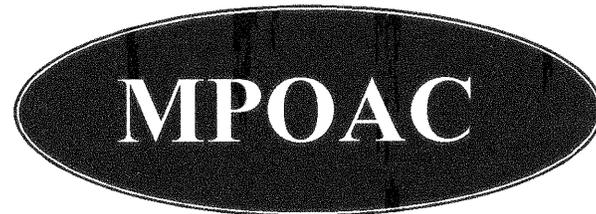


**Florida Metropolitan Planning
Organization Advisory Council**



2007 Summary of State Legislation

May 25, 2007

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Summary of the General Transportation Bill (HB 985)

Items of Interest to MPOs

Section 1 (s. 20.23, F.S.)

- **Directs the Florida Transportation Commission to monitor the efficiency, productivity and management of authorities created under chapters 343 and 348 (regional transportation authorities, regional transit authorities, expressway authorities and bridge authorities). Prohibits the commission or members of the commission to enter into the day-to-day operation of a monitored authority.**

“Monitor the efficiency, productivity, and management of the authorities created under chapters 343 and 348, including any authority formed using the provisions of part I of chapter 348. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

“The commission or a member thereof may not enter into the day-to-day operation of the department or a monitored authority.”

Section 2 (s. 112.061, F.S.)

- **Permits MPOs created to establish travel and per diem rates independent from those of the state or any local government agency, if those rates are not less than those established by statute.**

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

Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.”

Section 6 (s. 121.021, F.S.)

- **Modifies the Florida Retirement System definitions to include MPOs and employees of MPOs.**

Specific definition modifications and/or additions include:

- "Officer or employee" means any person receiving salary payments for work performed in a regularly established position and, if employed by a city, a metropolitan planning organization, or a special district, employed in a covered group.
- "Local agency employer" means the board of county commissioners or other legislative governing body of a county, however styled, including that of a consolidated or metropolitan government; a clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections, provided such officer is elected or has been appointed to fill a vacancy in an elective office; a community college board of trustees or district school board; or the governing body of any city, metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175, or special district of the state which participates in the system for the benefit of certain of its employees
- "Regularly established position" is defined as follows: ... (b) In a local agency (district school board, county agency, community college, city, metropolitan planning organization, or special district), the term means a regularly established position which will be in existence for a period beyond 6 consecutive months, except as provided by rule.
- "Metropolitan planning organization" means an entity created by an interlocal agreement pursuant to s. 339.175 or any other entity created pursuant to s. 339.175.

Section 7 (s. 121.051, F.S.)

- **Modifies the statutes governing optional participation in the Florida Retirement System to include MPOs as an independent agency.**

“The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the system upon proper application to the administrator and may cover all or any of its units as approved by the Secretary of Health and Human Services and the administrator.”

Section 8 (s. 121.055, F.S.)

- **Classifies MPO Executive or Staff Directors as senior management service for the purpose of retirement benefits in the Florida Retirement System.**

“For each metropolitan planning organization that has opted to become part of the Florida Retirement System, participation in the Senior Management Service Class shall be compulsory for the executive director or staff director of that metropolitan planning organization.”

Section 9 (s. 121.061, F.S.)

- **Modifies the statutes governing funding of the Florida Retirement System to include MPOs that have opted to participate in the system.**

Section 10 (s. 121.081, F.S.)

- **Modifies the statutes governing the conditions under which past service or prior service may be claimed and credited for participants in the Florida Retirement System to include employees of MPOs that have opted to participate in the system.**

Section 11 (s. 163.3180, F.S.)

- **Modifies state concurrency statutes to permit a pilot project to be conducted that would determine the benefits of and barriers to establishing a regional (multi-jurisdictional) multimodal transportation concurrency district.**

“By December 1, 2007, the Department of Transportation, in consultation with the state land planning agency and interested local governments, may designate a study area for conducting a pilot project to determine the benefits of and barriers to establishing a regional multimodal transportation concurrency district that extends over more than one local government jurisdiction. If designated:

1. The study area must be in a county that has a population of at least 1,000 persons per square mile, be within an urban service area, and have the consent of the local governments within the study area. The Department of Transportation and the state land planning agency shall provide technical assistance.
2. The local governments within the study area and the Department of Transportation, in consultation with the state land planning agency, shall cooperatively create a multimodal transportation plan that meets the requirements of this section. The multimodal transportation plan must include viable local funding options and incorporate community design features, including a range of mixed land uses and densities and intensities, which will reduce the number of automobile trips or vehicle miles of travel while supporting an integrated, multimodal transportation system.
3. To effectuate the multimodal transportation concurrency district, participating local governments may adopt appropriate comprehensive plan amendments.
4. The Department of Transportation, in consultation with the state land planning agency, shall submit a report by March 1, 2009, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the pilot project. The report must identify any factors that support or limit the creation

and success of a regional multimodal transportation district including intergovernmental coordination.”

Section 12 (s. 163.3182, F.S.)

- **Permits a county or municipality to create a Transportation Concurrency Backlog Authority, defines the term “transportation concurrency backlog” and outlines the powers and responsibilities of duly designated Transportation Concurrency Backlog Authorities.**

Key features of the section include:

- "Transportation concurrency backlog" is defined to mean an identified deficiency where the existing extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility. A number of other terms are defined for the purposes of the section including: "transportation concurrency backlog area"; "transportation concurrency backlog authority"; "transportation concurrency backlog plan"; and "transportation concurrency backlog project".
- “A county or municipality may create a transportation concurrency backlog authority if it has an identified transportation concurrency backlog. Acting as the transportation concurrency backlog authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation concurrency backlogs within the authority's jurisdiction using funds ... as ... provided pursuant to this section.”
- “Each transportation concurrency backlog authority has the powers necessary or convenient to carry out the purposes of this section...”
- “Each transportation concurrency backlog authority shall adopt a transportation concurrency backlog plan as a part of the local government comprehensive plan within 6 months after the creation of the authority.”
- “The transportation concurrency backlog authority shall establish a local transportation concurrency backlog trust fund upon creation of the authority.... Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation concurrency backlog area...”
- “Upon adoption of a transportation concurrency backlog plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level of service standards, and to have met requirements for financial feasibility for transportation facilities, and for the purpose of

proposed development transportation concurrency has been satisfied. Proportionate fair share mitigation shall be limited to ensure that a development inside a transportation concurrency backlog area is not responsible for the additional costs of eliminating backlogs.”

Section 15 (s. 215.615, F.S.)

- **Limits the state’s share to no more than 50 percent toward revenue bonds to finance or refinance fixed capital expenditures for fixed-guideway transportation systems and encourages the state to consider innovative financing techniques.**

Section 28 (s. 336.025, F.S.)

- **Eliminates the once per year limit on the issuance of bonds by local governments against the revenues generated by a local option fuel tax.**

Section 29 (s. 336.41, F.S.)

- **Permits counties to disregard the lowest responsible bidder requirement for certain low-cost non-capacity transportation projects.**

“All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utilizing the proceeds of the 80-percent portion of the surplus of the constitutional gas tax shall be let to contract to the lowest responsible bidder by competitive bid, except for ... Construction of sidewalks, curbing, accessibility ramps, or appurtenances incidental to roads and bridges if each project is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of less than \$400,000 or as adjusted by the percentage change in the Construction Cost Index from January 1, 2008, for which the county may utilize its own forces.”

Section 30 (no statute number assigned to date)

- **Creates a new, unnumbered section of Florida Statutes addressing Florida’s need for construction aggregate materials.**

Key features of the section include:

- “No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state.

- “No local government may impose a moratorium, or combination of moratoria, of more than 12 months' duration on the mining or extraction of construction aggregate materials, commencing on the date the vote was taken to impose the moratorium. January 1, 2007, shall serve as the commencement of the 12-month period for moratoria already in place as of July 1, 2007.”
- “Due to the state's critical infrastructure needs and the potential shortfall in available construction aggregate materials, limerock environmental resource permitting and reclamation applications filed after March 1, 2007, are eligible for the expedited permitting processes contained in s. 403.973, Florida Statutes.”
- “The Strategic Aggregates Review Task Force is created to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices in this state. ... The task force shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2008. ... The task force shall be dissolved on July 1, 2008.”

Section 32 (s. 337.11, F.S.)

- **Specifies that the newspaper advertising requirement currently specified in state statute doesn't apply to construction contracts valued at less than \$500,000 for which DOT has waived prequalification requirements.**

Section 34 (s. 337.18, F.S.)

- **Allows FDOT to waive, at its discretion, incremental annual surety bonds for multi-year maintenance contracts. The minimum contract amount threshold to require a surety bond is increased from \$150,000 to \$250,000. FDOT may reduce surety bond requirements or require alternative financial security for contracts valued at a minimum of \$250 million. Alternative security in lieu of a surety bond could include a line-of-credit, parent company guarantees, or cash collateral.**

Section 35 (s. 338.161, F.S.)

- **Allows FDOT or any statutorily-created toll authority to contract with public or private entities to promote an Electronic Toll Collection (ETC) system and provides specific authority to use ETC equipment to pay for parking. The department or toll agency may also initiate other feasibility studies of additional uses of the ETC and make recommendations to the Legislature to authorize these uses.**

Key features of the section include:

- “The department 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.”
- “If the department or any toll agency created by statute finds that it can increase nontoll revenues or add convenience or other value for its customers, 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 initiate feasibility studies of additional future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.”

Section 36 (s. 338.2275, F.S.)

- **Raises the cap on Turnpike bonds from \$4.5 billion to \$10 billion and changes the limitation to a maximum amount outstanding rather than the amount issued.**

“Legislative approval of the department's tentative work program that contains the turnpike project constitutes approval to issue bonds as required by s. 11(f), Art. VII of the State Constitution. No more than \$10 billion of bonds may be outstanding to fund approved turnpike projects.”

Section 38 (s. 339.08, F.S.)

- **Permits the use of moneys from the State Transportation Trust Fund to pay the cost of projects selected in accordance with the Enhanced Bridge Program for Sustainable Transportation created in s. 339.285.**

Section 39 (s. 339.09, F.S.)

- **Encourages and permits FDOT to use funds from transportation tax revenues to construct and maintain noise mitigation facilities or walls upon request of the proper authorities.**

Section 40 (s. 339.175, F.S.)

- **Brings clarity and uniformity to Metropolitan Planning Organization (MPO) administrative structures, powers and duties, and general responsibilities. Clarifies the independence and autonomy of MPOs. Promotes the participation of modal organizations in the metropolitan transportation planning process. Increases the effectiveness of MPO Board member participation in the metropolitan transportation planning process.**

Key features of the section include:

- “Each M.P.O. shall be considered 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. and shall have such powers and privileges that are provided under s. 163.01.”
- “The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person.”
- “All voting members shall be elected officials of general-purpose local 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 Florida Space Authority. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials.”
- “At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and 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. The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws.”
- “Nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but shall not have a vote and shall not be members of the governing board.”

- “Each M.P.O. shall appoint a technical advisory committee, the members of which shall serve at the pleasure of the M.P.O.”
- “Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the M.P.O. Each M.P.O. may enter into contracts with local or state agencies, private planning firms, or private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.”
- “In order to enhance their knowledge, effectiveness, and participation in the urbanized area transportation planning process, each M.P.O. shall provide training opportunities and training funds specifically for local elected officials and others who serve on an M.P.O. The training opportunities may be conducted by an individual M.P.O. or through statewide and federal training programs and initiatives that are specifically designed to meet the needs of M.P.O. board members.”
- “Each long-range transportation plan ... each annually updated Transportation Improvement Program ..., and each amendment that affects projects in the first 3 years of such plans and programs must be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present.”

Section 41 (s. 339.2819, F.S.)

- **Deletes the limitation in the Transportation Regional Incentive Program that the state may match only up to 50 percent of the non-federal share of eligible project costs for regional public transportation projects, and provides that the state may match up to 50% of the total project cost.**

Section 42 (s. 339.282, F.S.)

- **Provides that private-sector entities that finance, construct, or improve public transportation facilities may apply the value of such contribution to any future transportation concurrency requirements under ch. 163, F.S., as long as the contribution or credit is established in a legally binding agreement.**

“The Legislature finds that allowing private-sector entities to finance, construct, and improve public transportation facilities can provide significant benefits to the citizens of this state by facilitating transportation of the general public without the

need for additional public tax revenues. In order to encourage the more efficient and proactive provision of transportation improvements by the private sector, if a developer or property owner voluntarily contributes right-of-way and physically constructs or expands a state transportation facility or segment, and such construction or expansion improves traffic flow, capacity, or safety, the voluntary contribution may be applied as a credit for that property owner or developer against any future transportation concurrency requirements pursuant to chapter 163, provided such contributions and credits are set forth in a legally binding agreement executed by the property owner or developer, the local government of the jurisdiction in which the facility is located, and the department. If the developer or property owner voluntarily contributes right-of-way and physically constructs or expands a local government facility or segment and such construction or expansion meets the requirements in this section and is set forth in a legally binding agreement between the property owner or developer and the applicable local government, the contribution to the local government collector and the arterial system may be applied as credit against any future transportation concurrency requirements within the jurisdiction under chapter 163.”

Section 43 (s. 339.285, F.S.)

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

Key features of the section include:

- “There is created within the Department of Transportation the Enhanced Bridge Program for Sustainable Transportation for the purpose of providing funds to improve the sufficiency rating of local bridges and to improve congested roads on the State Highway System or local corridors on which high-cost bridges are located in order to improve a corridor or provide an alternative corridor.”
- “Matching funds provided from the program may fund up to 50 percent of project costs.”
- “The department shall allocate a minimum of 25 percent of funding available for the program for local bridge projects to replace, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on the State Highway System.”
- “The department shall allocate remaining funding available for the program to improve highly congested roads on the State Highway System or local corridors on which high-cost bridges are located in order to improve the corridor or provide an alternative corridor.”

- “Preference shall be given to bridge projects located on corridors that connect to the Strategic Intermodal System and that have been identified as regionally significant.”

Section 44 (s. 339.55, F.S.)

- **Allows the Florida Department of Transportation’s State Infrastructure Bank to issue short-term loans for emergency repairs to transportation infrastructure damaged by natural disasters and the terms and conditions of such loans**

Section 45 (s. 339.63, F.S.)

- **Codifies the components of the Strategic Intermodal System (SIS). Delegates to FDOT the responsibility for adding and deleting SIS facilities based on criteria established by FDOT, in coordination with MPOs, local governments, regional planning commissions, transportation providers and effected public agencies. Requires that certain reliever airports, based on certain enumerated criteria, be made part of the SIS upon request of a reliever airport meeting the criteria.**

Section 46 (s. 341.071, F.S.)

- **Requires public transit providers to include specific potential enhancements that could increase the transit system’s farebox recovery ratio in their annual productivity and performance measures report. The report is due by January 31 of each year.**

Section 50 (s. 334.30, F.S.)

- **Revises numerous provisions of the statutes governing public-private financing of transportation projects.**

Key features of the section include:

- “The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than \$500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program.”
- “The department shall by rule establish an application fee for the submission of unsolicited proposals under this section.”

- FDOT must ensure that the proposed project ...“Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations”
- FDOT must ensure that the proposed project ...“Would be owned by the department upon completion or termination of the agreement.”
- “With the exception of the Florida Turnpike System, the department may lease existing toll facilities through public- private partnerships. The public-private partnership agreement must ensure that the transportation facility is properly operated, maintained, and renewed in accordance with department standards.”
- “The department may develop new toll facilities or increase capacity on existing toll facilities through public- private partnerships. The public-private partnership agreement must ensure that the toll facility is properly operated, maintained, and renewed in accordance with department standards.”
- “Any toll revenues shall be regulated by the department ... The regulations governing the future increase of toll or fare revenues shall be included in the public-private partnership agreement.”
- “The department shall provide ... analysis [*demonstrating the cost-effectiveness and overall public benefit of entering into a public-private financing agreement*] to the Legislative Budget Commission ... for review and approval prior to awarding a contract on a lease of an existing toll facility.”
- “The department shall include provisions in the public-private partnership agreement that ensure a negotiated portion of revenues from tolled or fare generating projects are returned to the department over the life of the public-private partnership agreement. In the case of a lease of an existing toll facility, the department shall receive a portion of funds upon closing on the agreements and shall also include provisions in the agreement to receive payment of a portion of excess revenues over the life of the public-private partnership.”
- “The private entity shall provide an investment grade traffic and revenue study prepared by an internationally recognized traffic and revenue expert that is accepted by the national bond rating agencies. The private entity shall also provide a finance plan that identifies the project cost, revenues by source, financing, major assumptions, internal rate of return on private investments, and whether any government funds are assumed to deliver a cost feasible project, and a total cash flow analysis beginning with implementation of the project and extending for the term of the agreement.”

- “The procurement of public-private partnerships by the department shall follow the provisions of this section. Sections 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18, 337.185, 337.19, 337.221, and 337.251 [*referring to a variety of traditional construction contracting requirements including innovative contracting caps, contractor pre-qualification and contract advertisements, surety bond requirements, payment of construction or maintenance contracts, retainage, claims settlement process*] shall not apply to procurements under this section unless a provision is included in the procurement documents. The department shall ensure that generally accepted business practices for exemptions provided by this subsection are part of the procurement process or are included in the public-private partnership agreement.”
- “The department may request proposals from private entities for public-private transportation projects or, if the department receives an unsolicited proposal, the department shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks stating that the department has received the proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose.”
- “Public-private partnerships shall be qualified by the department as part of the procurement process as outlined in the procurement documents, provided such process ensures that the private firm meets at least the minimum department standards for qualification in department rule for professional engineering services and road and bridge contracting prior to submitting a proposal under the procurement.”
- “The department shall ensure that procurement documents include provisions for performance of the private entity and payment of subcontractors, including, but not limited to, surety bonds, letters of credit, parent company guarantees, and lender and equity partner guarantees. The department shall balance the structure of the security package for the public-private partnership that ensures performance and payment of subcontractors with the cost of the security to ensure the most efficient pricing.”
- “The department shall provide an independent analysis of the proposed public-private partnership that demonstrates the cost-effectiveness and overall public benefit at the following times:
 1. Prior to moving forward with the procurement; and
 2. If the procurement moves forward, prior to awarding the contract”
- “The department may use innovative finance techniques associated with a public-private partnership under this section, including, but not limited to,

federal loans as provided in Title 23 and Title 49 of the Code of Federal Regulations, commercial bank loans, and hedges against inflation from commercial banks or other private sources.”

- “The department may enter into public-private partnership agreements that include extended terms providing annual payments for performance based on the availability of service or the facility being open to traffic or based on the level of traffic using the facility. In addition to other provisions in this section, the following provisions shall apply:

- (a) The annual payments under such agreement shall be included in the department's tentative work program ... and the long-range transportation plan for the applicable metropolitan planning organization ... The department shall ensure that annual payments on multiyear public-private partnership agreements are prioritized ahead of new capacity projects in the development and updating of the tentative work program.

- (b) The annual payments are subject to annual appropriation by the Legislature ... in support of the first year of the tentative work program.”

- “The department shall provide a summary of new public-private partnership projects each year as part of the submittal of the Tentative Work Program ... This summary shall include identification of planned funding from the State Transportation Trust Fund beyond the 5-year Tentative Work Program period that are the public involvement process for project, including discussion of the planned use of future funds to deliver the project.”

- “Prior to entering such agreement where funds are committed from the State Transportation Trust Fund, the project must be prioritized as follows:

- (a) The department, in coordination with the local metropolitan planning organization, shall prioritize projects included in the Strategic Intermodal System 10-year and long-range cost feasible plans.

- (b) The department, in coordination with the local metropolitan planning organization or local government where there is no metropolitan planning organization, shall prioritize projects, for facilities not on the Strategic Intermodal System, included in the metropolitan planning organization cost feasible transportation improvement plan and long-range transportation plan.”

- “Public-private partnership agreements under this section shall be limited to a term not exceeding 50 years. Upon making written findings that an agreement under this section requires a term in excess of 50 years, the secretary of the department may authorize a term of up to 75 years. Agreements under this section shall not have a term in excess of 75 years unless specifically approved by the Legislature. The department shall identify each new project under this section with a term exceeding 75 years in the transmittal letter that

accompanies the submittal of the tentative work program to the Governor and the Legislature...”

- “The department shall ensure that no more than 15 percent of total federal and state funding in any given year for the State Transportation Trust Fund shall be obligated collectively for all projects under this section.”
- Deletes a subsection relating to fixed-guideway transportation systems not applicable to Public-Private Partnerships.

Section 51 (s. 338.165, F.S.)

- **Establish provisions for increasing toll rates at least every five years to the Consumer Price Index, or similar inflation factors.**

“Notwithstanding any other provision of law, the department including the turnpike enterprise shall index toll rates on existing toll facilities to the annual Consumer Price Index or similar inflation indicators. Toll rate adjustments for inflation under this subsection may be made no more frequently than once a year and must be made no less frequently than once every 5 years as necessary to accommodate cash toll rate schedules. Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to department administrative rule.”

Section 54 (s. 348.0004, F.S.)

- **Clarifies that any expressway authority, transportation authority, bridge authority or toll authority may enter into public private partnerships. Applies certain of the modifications made to statutes governing public-private financing (as described in Section 50) to this section.**

Key features of the section include:

- “An authority may not sell or lease any transportation facility owned by the authority, without providing the analysis [*demonstrating the cost-effectiveness and overall public benefit of entering into a public-private financing agreement*] to the Legislative Budget Commission ... for review and approval prior to awarding a contract on a lease of an existing toll facility.”
- The authority must ensure that the proposed project ...“Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.”
- The authority must ensure that the proposed project ...“Would be owned by the department upon completion or termination of the agreement.”

Section 61 (s. 479.01, F.S.)

- **Defines the term “wall mural.”**

““Wall mural” means a sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structural support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building. The term excludes a painting or work placed on a structure that is erected for the sole or primary purpose of signage.”

Section 62 (s. 479.156, F.S.)

- **Creates a new section granting the authority to permit and regulate wall murals to municipalities and counties subject to certain restrictions.**

“Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located in an area that is zoned for industrial or commercial use and the municipality or county shall establish and enforce regulations for such areas that, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of the Highway Beautification Act of 1965 and with customary use. A wall mural that is subject to municipal or county regulation and the Highway Beautification Act of 1965 must be approved by the Department of Transportation and the Federal Highway Administration and may not violate the agreement between the state and the United States Department of Transportation or violate federal regulations enforced by the Department of Transportation...”