

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Tuesday, April 2, 2013
TIME: 4:00 —6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|--|
| 1 | CS/CS/SB 84 Governmental Oversight and Accountability / Community Affairs / Diaz de la Portilla (Similar CS/H 85, Compare S 238) | Public-private Partnerships; Providing legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; creating the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to establish specified guidelines; providing for interim and comprehensive agreements between a public and a private entity; authorizing counties to enter into public-private partnership agreements for construction, operation, ownership, and financing of transportation facilities, etc. CA 01/23/2013 Fav/CS GO 03/14/2013 Fav/CS TR 04/02/2013 Fav/2 Amendments AP | Fav/2 Amendments (725490, 343044) Yeas 10 Nays 0 |
| 2 | SB 300 Detert | Transportation Facility Designations/KMI Kentucky Military Institute Bridge; Providing an honorary designation of a certain transportation facility in Sarasota County; directing the Department of Transportation to erect suitable markers, etc. TR 04/02/2013 Fav/CS CA | Fav/CS Yeas 10 Nays 0 |
| 3 | CS/SB 972 Community Affairs / Hukill (Compare CS/CS/CS/H 319) | Transportation Development; Providing that local governments that implement transportation concurrency must allow an applicant for a development agreement to satisfy transportation concurrency requirements if certain criteria are met, and must provide the basis upon which landowners will be assessed a proportionate share of the cost of addressing certain transportation impacts; encouraging a local government that repeals transportation concurrency to adopt an alternative mobility funding system that is subject to certain requirements, etc. CA 03/20/2013 Fav/CS TR 04/02/2013 Fav/CS RC | Fav/CS Yeas 10 Nays 0 |

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Transportation

Tuesday, April 2, 2013, 4:00 —6:00 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|--|---|---|----------------------------|
| 4 | SB 1480 Latvala (Identical H 1289) | Interlocal Agreements; Modifying the definition of "public agency" to include a public transit provider, etc. TR 04/02/2013 Favorable CA | Favorable Yeas 9 Nays 0 |
| Presentation by the Florida Department of Transportation - Regional Governance of Transportation Entities | | | Presented |
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/CS/SB 84

INTRODUCER: Governmental Oversight and Accountability Committee, Community Affairs Committee, and Senator Diaz de la Portilla

SUBJECT: Public-Private Partnerships

DATE: April 2, 2013 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Anderson | McVaney | GO | Fav/CS |
| 2. | McKay | Yeatman | CA | Fav/CS |
| 3. | Price | Eichin | TR | Fav/2 amendments |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input checked="" type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 84 creates a new section of law to facilitate public-private partnerships, when cost-effective, to construct public-purpose projects. The bill provides legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose. The bill creates a task force to provide guidelines for public entities on the types of factors public entities should review and consider when processing requests for public-private partnership projects. The bill provides for notice to affected local jurisdictions as well as for comprehensive agreements between a public and a private entity. The bill specifies the requirements for such partnership. The bill lays out the financing sources for certain projects by a private entity. The applicability of sovereign immunity for public entities with respect to qualified projects is provided for in the bill.

The bill amends chapter 336, F.S., to authorize procedures for the creation and operation of public-private partnerships for transportation facilities within a county.

The bill creates sections 287.05712 and 336.71 of the Florida Statutes.

II. Present Situation:

Public-Private Partnerships

Overview

A public-private partnership (PPP) is a contractual agreement formed between a public agency and a private sector entity that allows for greater private sector participation in the delivery and financing of public building and infrastructure projects.¹ Through these agreements, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of the general public.² In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service or facility.³

There are different types of PPPs with varying levels of private sector involvement. The most common is called a Design-Build-Finance-Operate (DBFO) transaction, where the government grants a private sector partner the right to develop a new piece of public infrastructure.⁴ The private entity takes on full responsibility and risk for delivery and operation of the public project against pre-determined standards of performance established by government. The private entity is paid through the revenue stream generated by the project, which could take the form of a user charge (such as a highway toll) or, in some cases, an annual government payment for performance (often called a “shadow toll” or “availability charge”). Any increases in the user charge or payment for performance typically are set out in advance and regulated by a binding contract.⁵

Another PPP procurement process is the Unsolicited Proposal Procurement Model (UPPM). This allows for the receipt of unsolicited bids from private entities to contract for the design, construction, operation, and financing of public infrastructure.⁶ Generally, the public entity requires a processing or review fee to cover costs for the technical and legal review.⁷

Florida Department of Transportation Public-Private Partnership

The Florida Department of Transportation (FDOT) currently has a public-private partnership program in place.⁸ The Florida Legislature declared that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public’s interest to provide for the construction of additional safe, convenient, and economical transportation facilities.⁹

¹ See The Federal Highway Administration, United States Department of Transportation, Innovative Program Delivery webpage, available at: <http://www.fhwa.dot.gov/ipd/p3/defined/index.htm> (last visited on January 15, 2013).

² See generally The National Council for Public-Private Partnerships webpage, *How PPPs Work*, available at: <http://ncppp.org/howpart/index.shtml#define> (last visited on January 15, 2013).

³ *Id.*

⁴ See The Oregon Department of Transportation, The Power of Public-Private Partnerships, available at: <http://www.oregon.gov/ODOT/HWY/OIPP/docs/PowerofPublicPrivate050806.pdf> (last visited on January 15, 2013).

⁵ *Id.*

⁶ See *Innovative Models for the Design, Build, Operation and Financing of Public Infrastructure*, John J. Fumero, at 3.

⁷ *Id.*

⁸ See s. 334.30, F.S.

⁹ Section 334.30, F.S.

Florida law provides that a private transportation facility constructed pursuant to s. 334.30, F.S., must comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; FDOT rules, policies, procedures, and standards for transportation facilities; and any other conditions that FDOT determines to be in the public's best interest.¹⁰

Current law allows FDOT to advance projects programmed in the adopted 5-year work program using funds provided by public-private partnerships or private entities to be reimbursed from FDOT funds for the project.¹¹ In accomplishing this, FDOT may use state resources to participate in funding and financing the project as provided for under FDOT's enabling legislation for projects on the State Highway System.¹²

FDOT may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities.¹³ If FDOT receives an unsolicited solicitation or proposal, it is required to publish a notice in the Florida Administrative Register and a newspaper of general circulation stating that FDOT has received the proposal and it will accept other proposals for the same project.¹⁴ In addition, FDOT requires an initial payment of \$50,000 accompany any unsolicited proposal to cover the costs of evaluating the proposal.¹⁵

Current law governing FDOT's PPP provides for a solicitation process that is similar to the Consultants' Competitive Negotiation Act.¹⁶ FDOT may request proposals from private entities for public-private transportation projects.¹⁷ The partnerships must be qualified by FDOT as part of the procurement process outlined in the procurement documents.¹⁸ These procurement documents must include provisions for performance of the private entity and payment of subcontractors, including surety bonds, letters of credit, parent company guarantees, and lender and equity partner guarantees.¹⁹ FDOT must rank the proposals in the order of preference.²⁰ FDOT may then begin negotiations with the top firm. If that negotiation is unsuccessful, FDOT must terminate negotiations and move to the second-ranked firm, and if unsuccessful again, move to the third-ranked firm.²¹ FDOT must provide independent analyses of the proposed PPP that demonstrates the cost effectiveness and overall public benefit prior to moving forward with the procurement and prior to awarding the contract.²²

¹⁰ Section 334.30(3), F.S.

¹¹ Section 334.30(1), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ Section 334.30(6)(a), F.S.

¹⁵ See Fla. Admin. Code R. 14-107.0011.

¹⁶ See s. 287.055, F.S.

¹⁷ Section 334.30(6)(a), F.S.

¹⁸ Section 334.30(6)(b), F.S.

¹⁹ Section 334.30(6)(c).

²⁰ See s. 334.30(6)(d), F.S., [i]n ranking the proposals, the department may consider factors that include, but are not limited to, professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the project.

²¹ Section 334.30(6)(d), F.S.

²² Section 334.30(6)(e), F.S.

Current law authorizes FDOT to use innovative finance techniques associated with PPPs, including federal loans, commercial bank loans, and hedges against inflation from commercial banks or other private sources.²³ PPP agreements under s. 334.30, F.S., must be limited to a term not to exceed 50 years. In addition, FDOT may not utilize more than 15 percent of total federal and state funding in any given year to fund PPP projects.²⁴

Procurement of Personal Property and Services

Chapter 287, F.S., regulates state agency²⁵ procurement of personal property and services. The Department of Management Services (department) is responsible for overseeing state purchasing activity including professional and contractual services as well as commodities needed to support agency activities, such as office supplies, vehicles, and information technology.²⁶ The Division of State Purchasing in the department establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state's buying power.²⁷

Current law requires contracts for commodities or contractual services in excess of \$35,000 to be procured utilizing a competitive solicitation process.^{28,29}

The Consultants' Competitive Negotiation Act

In 1972, Congress passed the Brooks Act (Public Law 92-582), which codified Qualifications-Based Selection (QBS) as the federal procurement method for design professional services. The QBS process entails first soliciting statements of qualifications from licensed architectural and engineering providers, selecting the most qualified respondent, and then negotiating a fair and reasonable price. The vast majority of states currently require a QBS process when selecting the services of design professionals.

Florida's Consultants' Competitive Negotiation Act (CCNA), was enacted in 1973,³⁰ to specify the procedures to follow when procuring the services of architects and engineers. The CCNA did not prohibit discussion of compensation in the initial vendor selection phase until 1988, when the Legislature enacted a provision requiring that consideration of compensation occur only during the selection phase.³¹

Currently, the CCNA specifies the process to follow when state and local government agencies procure the professional services of an architect, professional engineer, landscape architect, or

²³ Section 334.30(7), F.S.

²⁴ Section 334.30(12), F.S.

²⁵ As defined in s. 287.012(1), F.S., "agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges.

²⁶ See ss. 287.032 and 287.042, F.S.

²⁷ Chapter 287, F.S., provides requirements for the procurement of personal property and services. Part I of that chapter pertains to commodities, insurance, and contractual services, and part II pertains to motor vehicles.

²⁸ Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold provided in s. 287.017, F.S., to be competitively bid.

²⁹ As defined in s. 287.012(6), F.S., "competitive solicitation" means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

³⁰ Chapter 73-19, L.O.F.

³¹ Chapter 88-108, L.O.F.

registered surveyor and mapper.³² The CCNA requires that state agencies publicly announce, in a consistent and uniform manner, each occasion when professional services must be purchased for one of the following:

- A project, when the basic construction cost is estimated by the agency to exceed \$325,000.
- A planning or study activity, when the fee for professional services exceeds \$35,000.

The CCNA provides a two-phase selection process.³³ In the first phase, the “competitive selection,” the agency evaluates the qualifications and past performance of no fewer than three bidders. The agency selects the three bidders, ranked in order of preference, that it considers most highly qualified to perform the required services. The CCNA requires consideration of several factors in determining the three most highly qualified bidders including: willingness to meet time and budget requirements; past performance; location; recent, current, and projected firm workloads; volume of work previously awarded to the firm; and whether the firm is certified as a minority business.³⁴

The CCNA prohibits the agency from requesting, accepting, and considering, during the selection process, proposals for the compensation to be paid. Current law defines the term “compensation” to mean “the amount paid by the agency for professional services,” regardless of whether stated as compensation or as other types of rates.³⁵

In the second phase, the “competitive negotiation,” the agency then negotiates compensation with the most qualified of the three selected firms. If a satisfactory contract cannot be negotiated, the agency must then negotiate with the second most qualified firm. The agency must negotiate with the third most qualified firm if the negotiation with the second most qualified firm fails to produce a satisfactory contract. If a satisfactory contract cannot be negotiated with any of the three selected, the agency must begin the selection process again.

Procurement of Construction Services

Chapter 255, F.S., regulates construction services³⁶ for public property and publically owned buildings. The Department of Management Services is responsible for establishing, through administrative rules, the following:

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and modifications to contract documents when such negotiations are determined by the secretary of the Department of Management Services to be in the best interest of the state; and

³² Section 287.055, F.S.

³³ Section 287.055(4) and (5), F.S.

³⁴ See s. 287.055(4)(b), F.S.

³⁵ Section 287.055(2)(d), F.S.

³⁶ As defined in s. 255.072(2), F.S., “construction services” means all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property. The term “construction services” does not include contracts or work performed for the Department of Transportation.

- Procedures for entering into performance-based contracts for the development of public facilities when the Department of Management Services determines the use of such contracts to be in the best interest of the state.³⁷

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.³⁸ In addition, such projects must be advertised in the Florida Administrative Register at least 21 days prior to the bid opening.^{39,40} Counties, municipalities, special districts,⁴¹ or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the projected cost is in excess of \$300,000.⁴²

III. Effect of Proposed Changes:

Section 1 creates s. 287.05712, F.S., relating to public-private partnerships.

Definitions

Subsection (1) provides the following relevant definitions, amongst others. “Responsible public entity” means a county, municipality, school board, or university, or any other political subdivision of the state; a public body politic and corporate; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.⁴³ “Qualifying project” means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, power-generating facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; or a water, wastewater, or surface water management facility or other related infrastructure.

³⁷ Section 255.29, F.S.

³⁸ See 60D-5.0073, F.A.C.; *see also* s. 255.0525, F.S.

³⁹ Section 255.0525(1), F.S.

⁴⁰ State construction projects that are projected to exceed \$500,000 are required to be published 30 days prior to bid opening in the Florida Administrative Register, and at least once in a newspaper of general circulation in the county where the project is located. *See* s. 255.0525(1), F.S.

⁴¹ As defined in s. 189.403(1), F.S., “special district” means a local unit of special purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. For the purpose of s. 196.199(1), F.S., special districts must be treated as municipalities. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

⁴² *See* s. 255.20(1), F.S.

⁴³ This definition does not include state agencies.

Legislative Findings and Intent

In subsection (2), the bill specifies that the Legislature finds that there is a public need for timely and cost-effective acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of public projects, that such public need may not be wholly satisfied by existing methods of procurement, and that it has been demonstrated that public-private partnerships can meet these needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public. The Legislature declares it is the intent of this bill is to encourage investment in the state by private entities, to facilitate various bond financing mechanisms, private capital, and other funding sources for the development and operation of qualifying projects, including expansion and acceleration of such financing to meet the public need, and to provide the greatest possible flexibility to public and private entities to contract for the provision of public services.

Task Force

Subsection (3) creates a Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to establish guidelines for public entities on the types of factors public entities should review and consider when processing requests for public-private partnership projects. The task force members are follows:

- One member of the Senate, appointed by the President of the Senate.
- One member of the House of Representatives, appointed by the Speaker of the House of Representatives.
- The Secretary of Management Services or his or her designee.
- Six members appointed by the Governor, as follows:
 - One county government official.
 - One municipal government official.
 - One district school board member.
 - Three representatives of the business community.

The task force must provide guidelines to public entities no later than July 1, 2014, to include:

- Opportunities for competition through public notice and the availability of representatives of the responsible public entity to meet with private entities considering a proposal.
- Reasonable criteria for choosing among competing proposals.
- Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement.
- Authorization for accelerated selection and review and documentation timelines for proposals involving a qualifying project that the responsible public entity deems a priority.
- Procedures for financial review and analysis.
- Consideration of the nonfinancial benefits of a proposed qualifying project.
- A mechanism for the appropriating body to review a proposed comprehensive agreement before execution.
- Analysis of the adequacy of the information released when seeking competing proposals, and providing for the enhancement of that information, if deemed necessary, to encourage competition, as well as establishing standards to maintain the confidentiality of financial and

proprietary terms of an unsolicited proposal, which shall be disclosed only in accordance with the bidding procedures of competing proposals.

- Authority for the responsible public entity to engage the services of qualified professionals.

Procurement Procedures

Subsection (4) provides that a responsible public entity may receive unsolicited proposals or may solicit proposals for qualifying projects and may thereafter enter into an agreement with a private entity, or a consortium of private entities, for the building, upgrade, operation, ownership, or financing of facilities. The responsible public entity may establish a reasonable application fee for the submission of an unsolicited proposal.

The responsible public entity may request a proposal from private entities for a public-private project or, if the public entity receives an unsolicited proposal, the public entity shall publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the public entity has received a proposal and will accept other proposals for the same project. The timeframe in which other proposals may be accepted may be determined by the public entity, but must be no less than 21 days, and no more than 120 days.

A public entity that is a school board may enter into a comprehensive agreement under this section of law only with the approval of the local governing body.

Before approval, the responsible public entity must determine that the proposed project:

- Is in the public's best interest.
- Is for a facility that is owned by the responsible public entity or will be conveyed to the responsible public entity.
- Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the agreement by the responsible public entity.
- Has adequate safeguards in place to ensure that the responsible public entity or the private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the responsible public entity upon completion or termination of the agreement and upon payment of the amounts financed.

Projects Approval Requirements

Subsection (5) provides that an unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following material and information, unless waived by the responsible public entity:

- A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a schedule for the initiation and completion of the qualifying project.
- A description of the method by which the private entity proposes to secure any necessary property interests that are required for the qualifying project.

- A description of the private entity's general plans for financing the qualifying project, including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity.
- The name and address of a person who may be contacted for further information concerning the proposal.
- The proposed user fees, lease payments, or other service payments over the term of a comprehensive agreement, and the methodology and circumstances for changes to the user fees, lease payments, and other service payments over time.
- Any additional material or information that the responsible public entity reasonably requests.

Project Qualification and Process

Subsection (6) specifies that the private entity must meet the minimum standards contained in the responsible public entity's guidelines for qualifying professional services and contracts for traditional procurement projects. The responsible public entity must ensure that provisions are made for the private entity's performance and payment of subcontractors, including, but not limited to, surety bonds, letters of credit, parent company guarantees, and lender and equity partner guarantees. For the components of the qualifying project which involve construction performance and payment, bonds are required and are subject to the recordation, notice, suit limitation, and other requirements of s. 255.05, F.S. Also the responsible public entity must ensure the most efficient pricing of the security package that provides for the performance and payment of subcontractors as well as ensure that provisions are made for the transfer of the private entity's obligations if the comprehensive agreement is terminated or a material default occurs.

Notice to Affected Local Jurisdictions

Subsection (7) provides that the responsible public entity must notify each affected local jurisdiction by furnishing a copy of the proposal to each affected local jurisdiction when considering a proposal for a qualifying project. Each affected local jurisdiction that is not a responsible public entity for the respective qualifying project may, within 60 days after receiving the notice, submit in writing any comments to the responsible public entity and indicate whether the facility is incompatible with the local comprehensive plan, the local infrastructure development plan, the capital improvements budget, or other governmental spending plan. The responsible public entity shall consider the comments of the affected local jurisdiction before entering into a comprehensive agreement with a private entity. If an affected local jurisdiction fails to respond to the responsible public entity within the time provided in this paragraph, the nonresponse is deemed an acknowledgement by the affected local jurisdiction that the qualifying project is compatible with the local comprehensive plan, the local infrastructure development plan, the capital improvements budget, or other governmental spending plan.

Interim Agreement

Subsection (8) specifies that before or in connection with the negotiation of a comprehensive agreement, the public entity may enter into an interim agreement with the private entity proposing the qualifying project. An interim agreement does not obligate the responsible public entity to enter into a comprehensive agreement. The interim agreement is discretionary with the

parties and is not required on a qualifying project for which the parties may proceed directly to a comprehensive agreement without the need for an interim agreement. An interim agreement must be limited to provisions that:

- Authorize the private entity to commence activities for which it may be compensated related to the proposed qualifying project, including, but not limited to, project planning and development, design, environmental analysis and mitigation, survey, other activities concerning any part of the proposed qualifying project, and ascertaining the availability of financing for the proposed facility or facilities.
- Establish the process and timing of the negotiation of the comprehensive agreement.
- Contain such other provisions related to an aspect of the development or operation of a qualifying project that the responsible public entity and the private entity deem appropriate.

Comprehensive Agreements

Subsection (9) specifies that before developing or operating the qualifying project, the private entity must enter into a comprehensive agreement with the responsible public entity. The comprehensive agreement must provide for:

- The delivery of performance and payment bonds, letters of credit, or other security acceptable to the responsible public entity in connection with the development or operation of the qualifying project in the form and amount satisfactory to the responsible public entity.
- The review of the plans and specifications for the qualifying project by the responsible public entity and, if the plans and specifications conform to standards acceptable to the responsible public entity, the approval by the responsible public entity.
- The inspection of the qualifying project by the responsible public entity to ensure that the private entity's activities are acceptable to the public entity in accordance with the comprehensive agreement.
- The maintenance of a policy of public liability insurance, a copy of which must be filed with the responsible public entity and accompanied by proofs of coverage, or self insurance.
- The monitoring by the responsible public entity of the maintenance practices to be performed by the private entity to ensure that the qualifying project is properly maintained.
- The periodic filing by the private entity of the appropriate financial statements that pertain to the qualifying project.
- The procedures that govern the rights and responsibilities of the responsible public entity and the private entity in the course of the construction and operation of the qualifying project and in the event of the termination of the comprehensive agreement or a material default by the private entity.
- The fees, lease payments, or service payments. In negotiating user fees, the fees must be the same for persons using the facility under like conditions and must not materially discourage use of the qualifying project.
- The duties of the private entity, including the terms and conditions that the responsible public entity determine serve the public purpose of this Act.

The comprehensive agreement may include other specified provisions.

Fees

Subsection (10) provides that an agreement entered into pursuant to this bill may authorize the private entity to impose fees for the use of the facility. The responsible public entity may develop new facilities or increase capacity in existing facilities through agreements with public-private partnerships. The public-private partnership agreement must ensure that the facility is properly operated, maintained, or improved in accordance with standards set forth in the comprehensive agreement. The responsible public entity may lease existing fee-for-use facilities through a public-private partnership agreement. Any revenues must be regulated by the responsible public entity pursuant to the comprehensive agreement. A negotiated portion of revenues from fee-generating uses must be returned to the public entity over the life of the agreement.

Financing

Subsection (11) provides that a private entity may enter into a private-source financing agreement between financing sources and the private entity. A financing agreement and any liens on the property or facility must be paid in full at the applicable closing that transfers ownership or operation of the facility to the responsible public entity at the conclusion of the term of the comprehensive agreement. The responsible public entity may lend funds to private entities that construct projects containing facilities that are approved under this Act. The responsible public entity may use innovative finance techniques associated with a public-private partnership under this Act, including, but not limited to, federal loans as provided in Titles 23 and 49 C.F.R., commercial bank loans, and hedges against inflation from commercial banks or other private sources. A responsible public entity shall appropriate on a priority basis as required by the comprehensive agreement a contractual payment obligation, annual or otherwise, and the required payment obligation must be appropriated before other noncontractual obligations of the responsible public entity.

Powers and Duties of the Private Entity

Subsection (12) specifies that the private entity shall develop or operate the qualifying project in a manner that is acceptable to the responsible public entity in accordance with the provisions of the comprehensive agreement. The private entity shall maintain, or provide by contract for the maintenance or improvement of, the qualifying project if required by the comprehensive agreement. Also, the private entity shall cooperate with the responsible public entity in making best efforts to establish interconnection between the qualifying project and any other facility or infrastructure as requested by the responsible public entity. And the private entity shall comply with the comprehensive agreement and any lease or service contract.

Expiration or Termination of Agreements

Subsection (13) provides that upon the expiration or termination of a comprehensive agreement, the responsible public entity may use revenues from the qualifying project to pay current operation and maintenance costs of the qualifying project. If the private entity materially defaults under the comprehensive agreement, the compensation that is otherwise due to the private entity is payable to satisfy all financial obligations to investors and lenders on the qualifying project in the same way that is provided in the comprehensive agreement or any other agreement involving

the qualifying project, if the costs of operating and maintaining the qualifying project are paid in the normal course. The full faith and credit of the responsible public entity may not be pledged to secure the financing of the private entity.

Sovereign Immunity

Subsection (14) provides that this bill does not waive the sovereign immunity of the state, any responsible public entity, any affected local jurisdiction, or any officer or employee thereof with respect to participation in, or approval of, any part of a qualifying project or its operation, including, but not limited to, interconnection of the qualifying project with any other infrastructure or project. A county or municipality in which a qualifying project is located possesses sovereign immunity with respect to the project, including, but not limited to, its design, construction, and operation.

Construction

Subsection (15) provides that the bill is to be liberally construed to effectuate its purposes. The Act does not waive any requirement of s. 287.055, F.S.

Section 2 creates s. 336.71, F.S., on the creation of public-private transportation facilities in a county. The provisions in this section appear to mirror provisions in s. 334.30, F.S.

A county may receive or solicit proposals and enter into agreements with private entities or consortia thereof to build, operate, own, or finance highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, and related transportation facilities located solely within the county, including municipalities therein. Before approval, the county must determine that a proposed project:

- Is in the best interest of the public.
- Would not require county funds to be used unless the project is on the county road system or would provide increased mobility on the county road system.
- Would have adequate safeguards.
- Would be owned by the county upon completion or termination of the agreement.

The county shall ensure that all reasonable costs to the county related to transportation facilities that are not part of the county road system are borne by the private entity that develops or operates the facilities.

The county may request proposals and receive unsolicited proposals for public-private transportation facilities. Agreements entered into pursuant to this section may authorize the county or the private project owner, lessee, or operator to impose, collect, and enforce tolls or fares for the use of the transportation facility. Each public-private transportation facility constructed pursuant to this section must comply with all requirements of federal, state, and local laws. The governing body of the county may exercise any of its powers, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. Except as otherwise provided in this section, this section is not intended to amend existing law by granting additional powers to or imposing further restrictions on local governmental entities with regard to regulating and entering into cooperative arrangements with

the private sector for the planning, construction, and operation of transportation facilities. This section does not authorize a county or counties to enter into agreements with private entities or consortia thereof to build, operate, own, or finance a transportation facility that would extend beyond the geographical boundaries of a single county.

Public-private partnership agreements under this section shall be limited to a term not exceeding 75 years.

Section 3 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

An agreement entered into pursuant to this bill may authorize the private entity to impose fees for the use of the facility. A negotiated portion of revenues from fee-generating uses must be returned to the public entity over the life of the agreement.

B. Private Sector Impact:

The bill may provide for more opportunities for the private sector to enter into contracts for certain qualified projects with political subdivisions of the state.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on political subdivisions of the state that enter into public-private partnerships. Expenditures would be based on currently unidentified agreements with public-private partnerships. This bill may provide for more projects at a lower risk to political subdivisions of the state.

The bill creates a task force to be administratively supported by an unspecified department, which would presumably be responsible for reimbursing the travel and per diem expenses incurred by task force members, if any.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that “the department” will provide support to the task force, but doesn’t specify which department.

The provisions of the bill address partnerships between local governments and private contractors, so the Legislature may wish to consider whether someone from the Department of Economic Opportunity should be on the task force, instead of the Secretary of DMS.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Governmental Oversight and Accountability on March 14, 2013:

The CS/CS makes the following changes to the CS:

- Creates a Partnership for Public Facilities and Infrastructure Act Guidelines Task Force;
- Extends the timeframe in which proposals may be accepted;
- Authorizes the use of interim agreements, which allow for specified terms to be agreed to prior to entering into a comprehensive agreement;
- Authorizes the creation of public-private partnerships for transportation facilities within a county; and
- Makes technical and clarifying changes.

CS by Community Affairs on January 23, 2013:

The CS makes technical and clarifying changes.

- B. Amendments:

Barcode 502258 (as amended by 712502) by Transportation on April 2, 2013:

The amendment revises the existing authority that enables governmental entities to enter into no-bid contracts for public service work with charitable youth organizations, expanding it to also include public-private partnerships with other not-for-profit organizations. A suggested type of public service work envisioned by the existing statute (highway and park maintenance) is removed. The amendment provides additional requirements for contracts relating to certain types of work performed by the not-for-profit organization. Specifically, for contracts relating to the preservation, maintenance, and improvement of park land, such property must be at least 20 acres with contiguous public facilities that are capable of seating at least 5,000 people in a permanent structure; and, for nondescript work “for public education buildings”, that the building must be at least 90,000 square feet. Thus, contracts with youth organizations involving properties not meeting these requirements would no longer be authorized. The amendment clarifies that contracts written under this section are limited to no more \$250,000 annually.

Barcode 725490 by Transportation on April 2, 2013:

The amendment provides that when a responsible public entity receives an unsolicited proposal for a public-private project, the public entity must publish notice of the proposal *only* if it intends to enter into a comprehensive agreement for the project described in the unsolicited proposal.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



502258

LEGISLATIVE ACTION

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| Senate | . | House |
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Before line 31
insert:

Section 1. Section 255.60, Florida Statutes, is amended to
read:

255.60 Special contracts with charitable not-for-profit
~~youth~~ organizations.—The state, ~~or~~ the governing body of any
political subdivision of the state, or a public-private
partnership is authorized, but not required, to contract for
public service work with a not-for-profit organization ~~such as~~
~~highway and park maintenance,~~ notwithstanding competitive sealed



502258

13 bid procedures required under this chapter, ~~or~~ chapter 287, or
14 any municipal or county charter, upon compliance with this
15 section.

16 (1) The contractor or supplier must meet the following
17 conditions:

18 (a) The contractor or supplier must be a not-for-profit
19 corporation incorporated under chapter 617 and in good standing.

20 (b) The contractor or supplier must hold exempt status
21 under s. 501(a) of the Internal Revenue Code, as an organization
22 described in s. 501(c)(3) of the Internal Revenue Code.

23 ~~(c) The corporate charter of the contractor or supplier~~
24 ~~must state that the corporation is organized as a charitable~~
25 ~~youth organization exclusively for at-risk youths enrolled in a~~
26 ~~work-study program.~~

27 (c) ~~(d)~~ Administrative salaries and benefits for any such
28 corporation shall not exceed 15 percent of gross revenues. Field
29 supervisors shall not be considered administrative overhead.

30 (2) The contract, if approved by authorized agency
31 personnel of the state, ~~or~~ the governing body of a political
32 subdivision, or the public-private partnership, as appropriate,
33 must provide at a minimum that:

34 (a) For youth organizations, labor shall be performed
35 exclusively by at-risk youth and their direct supervisors; and
36 shall not be subject to subcontracting.

37 (b) For the preservation, maintenance, and improvement of
38 park land, the property must be at least 20 acres with
39 contiguous public facilities that are capable of seating at
40 least 5,000 people in a permanent structure.

41 (c) For public education buildings, the building must be at



502258

42 least 90,000 square feet.

43 (d) ~~(b)~~ Payment must be production-based.

44 (e) ~~(e)~~ The contract will terminate should the contractor or
45 supplier no longer qualify under subsection (1).

46 ~~(d) The supplier or contractor has instituted a drug-free~~
47 ~~workplace program substantially in compliance with the~~
48 ~~provisions of s. 287.087.~~

49 (f) ~~(e)~~ The contractor or supplier agrees to be subject to
50 review and audit at the discretion of the Auditor General in
51 order to ensure that the contractor or supplier has complied
52 with this section.

53 (3) A ~~No~~ contract under this section may not exceed the
54 annual sum of \$250,000.

55 (4) Should a court find that a contract purporting to have
56 been entered into pursuant to this section does not so qualify,
57 the court may order that the contract be terminated on
58 reasonable notice to the parties. The court shall not require
59 disgorgement of any moneys earned for goods or services actually
60 delivered or supplied.

61 (5) Nothing in this section shall excuse any person from
62 compliance with ss. 287.132-287.134.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Between lines 2 and 3

67 insert:

68 amending s. 255.60, F.S.; authorizing certain public
69 entities to contract for public service works with a
70 not-for-profit organization despite competitive sealed



502258

71 bid requirements; revising eligibility requirements
72 for not-for-profit organizations contracting with
73 certain public entities; revising required contract
74 provisions;



712502

LEGISLATIVE ACTION

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| Senate | . | House |
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| 04/03/2013 | . | |
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment to Amendment (502258)

Delete lines 23 - 49
and insert:

(c) For youth organizations, the corporate charter of the contractor or supplier must state that the corporation is organized as a charitable youth organization exclusively for at-risk youths enrolled in a work-study program.

(d) Administrative salaries and benefits for any such corporation shall not exceed 15 percent of gross revenues. Field supervisors shall not be considered administrative overhead.

(2) The contract, if approved by authorized agency



712502

13 personnel of the state, ~~or~~ the governing body of a political
14 subdivision, or the public-private partnership, as appropriate,
15 must provide at a minimum that:

16 (a) For youth organizations, labor shall be performed
17 exclusively by at-risk youth and their direct supervisors; and
18 shall not be subject to subcontracting.

19 (b) For the preservation, maintenance, and improvement of
20 park land, the property must be at least 20 acres with
21 contiguous public facilities that are capable of seating at
22 least 5,000 people in a permanent structure.

23 (c) For public education buildings, the building must be at
24 least 90,000 square feet.

25 (d) ~~(b)~~ Payment must be production-based.

26 (e) ~~(e)~~ The contract will terminate should the contractor or
27 supplier no longer qualify under subsection (1).

28 (f) ~~(d)~~ The supplier or contractor has instituted a drug-
29 free workplace program substantially in compliance with the
30 provisions of s. 287.087.

31 (g) ~~(f)~~ The contractor or supplier agrees to be subject to



343044

LEGISLATIVE ACTION

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| Senate | . | House |
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Before line 31
insert:

Section 1. Section 255.60, Florida Statutes, is amended to
read:

255.60 Special contracts with charitable not-for-profit
~~youth~~ organizations.—The state, ~~or~~ the governing body of any
political subdivision of the state, or a public-private
partnership is authorized, but not required, to contract for
public service work with a not-for-profit organization ~~such as~~
~~highway and park maintenance,~~ notwithstanding competitive sealed



343044

13 bid procedures required under this chapter, ~~or~~ chapter 287, or
14 any municipal or county charter, upon compliance with this
15 section.

16 (1) The contractor or supplier must meet the following
17 conditions:

18 (a) The contractor or supplier must be a not-for-profit
19 corporation incorporated under chapter 617 and in good standing.

20 (b) The contractor or supplier must hold exempt status
21 under s. 501(a) of the Internal Revenue Code, as an organization
22 described in s. 501(c)(3) of the Internal Revenue Code.

23 (c) For youth organizations, the corporate charter of the
24 contractor or supplier must state that the corporation is
25 organized as a charitable youth organization exclusively for at-
26 risk youths enrolled in a work-study program.

27 (d) Administrative salaries and benefits for any such
28 corporation shall not exceed 15 percent of gross revenues. Field
29 supervisors shall not be considered administrative overhead.

30 (2) The contract, if approved by authorized agency
31 personnel of the state, ~~or~~ the governing body of a political
32 subdivision, or the public-private partnership, as appropriate,
33 must provide at a minimum that:

34 (a) For youth organizations, labor shall be performed
35 exclusively by at-risk youth and their direct supervisors; and
36 shall not be subject to subcontracting.

37 (b) For the preservation, maintenance, and improvement of
38 park land, the property must be at least 20 acres with
39 contiguous public facilities that are capable of seating at
40 least 5,000 people in a permanent structure.

41 (c) For public education buildings, the building must be at



343044

42 least 90,000 square feet.

43 (d) ~~(b)~~ Payment must be production-based.

44 (e) ~~(e)~~ The contract will terminate should the contractor or
45 supplier no longer qualify under subsection (1).

46 (f) ~~(d)~~ The supplier or contractor has instituted a drug-
47 free workplace program substantially in compliance with the
48 provisions of s. 287.087.

49 (g) ~~(e)~~ The contractor or supplier agrees to be subject to
50 review and audit at the discretion of the Auditor General in
51 order to ensure that the contractor or supplier has complied
52 with this section.

53 (3) A ~~No~~ contract under this section may not exceed the
54 annual sum of \$250,000.

55 (4) Should a court find that a contract purporting to have
56 been entered into pursuant to this section does not so qualify,
57 the court may order that the contract be terminated on
58 reasonable notice to the parties. The court shall not require
59 disgorgement of any moneys earned for goods or services actually
60 delivered or supplied.

61 (5) Nothing in this section shall excuse any person from
62 compliance with ss. 287.132-287.134.

63
64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Between lines 2 and 3

68 insert:

69 amending s. 255.60, F.S.; authorizing certain public
70 entities to contract for public service works with a



343044

71 not-for-profit organization despite competitive sealed
72 bid requirements; revising eligibility requirements
73 for not-for-profit organizations contracting with
74 certain public entities; revising required contract
75 provisions;



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LEGISLATIVE ACTION

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| Senate | . | House |
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| 04/03/2013 | . | |
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment

Delete line 223
and insert:
public entity receives an unsolicited proposal for a public-
private project and the public entity intends to enter into a
comprehensive agreement for the project described in such
unsolicited proposal, the public

By the Committees on Governmental Oversight and Accountability;
and Community Affairs; and Senator Diaz de la Portilla

585-02420-13

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1 A bill to be entitled
2 An act relating to public-private partnerships;
3 creating s. 287.05712, F.S.; providing definitions;
4 providing legislative findings and intent relating to
5 the construction or improvement by private entities of
6 facilities used predominantly for a public purpose;
7 creating a task force to establish specified
8 guidelines; providing procurement procedures;
9 providing requirements for project approval; providing
10 project qualifications and process; providing for
11 notice to affected local jurisdictions; providing for
12 interim and comprehensive agreements between a public
13 and a private entity; providing for use fees;
14 providing for financing sources for certain projects
15 by a private entity; providing powers and duties of
16 private entities; providing for expiration or
17 termination of agreements; providing for the
18 applicability of sovereign immunity for public
19 entities with respect to qualified projects; providing
20 for construction of the act; creating s. 336.71, F.S.;
21 authorizing counties to enter into public-private
22 partnership agreements for construction, operation,
23 ownership, and financing of transportation facilities;
24 providing requirements and limitations for such
25 agreements; providing procurement procedures;
26 requiring a fee for certain proposals; providing an
27 effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Section 287.05712, Florida Statutes, is created
32 to read:
33 287.05712 Public-private partnerships.—
34 (1) DEFINITIONS.—As used in this section, the term:
35 (a) "Affected local jurisdiction" means a county,
36 municipality, or special district in which all or a portion of a
37 qualifying project is located.
38 (b) "Develop" means to plan, design, finance, lease,
39 acquire, install, construct, or expand.
40 (c) "Fees" means charges imposed by the private entity of a
41 qualifying project for use of all or a portion of such
42 qualifying project pursuant to a comprehensive agreement.
43 (d) "Lease payment" means any form of payment, including a
44 land lease, by a public entity to the private entity of a
45 qualifying project for the use of the project.
46 (e) "Material default" means a nonperformance of its duties
47 by the private entity of a qualifying project which jeopardizes
48 adequate service to the public from the project.
49 (f) "Operate" means to finance, maintain, improve, equip,
50 modify, or repair.
51 (g) "Private entity" means any natural person, corporation,
52 general partnership, limited liability company, limited
53 partnership, joint venture, business trust, public-benefit
54 corporation, nonprofit entity, or other private business entity.
55 (h) "Proposal" means a plan for a qualifying project with
56 detail beyond a conceptual level for which terms such as fixing
57 costs, payment schedules, financing, deliverables, and project
58 schedule are defined.

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59 (i) "Qualifying project" means:

60 1. A facility or project that serves a public purpose,
 61 including, but not limited to, any ferry or mass transit
 62 facility, vehicle parking facility, airport or seaport facility,
 63 rail facility or project, fuel supply facility, oil or gas
 64 pipeline, medical or nursing care facility, recreational
 65 facility, sporting or cultural facility, or educational facility
 66 or other building or facility that is used or will be used by a
 67 public educational institution, or any other public facility or
 68 infrastructure that is used or will be used by the public at
 69 large or in support of an accepted public purpose or activity;

70 2. An improvement, including equipment, of a building that
 71 will be principally used by a public entity or the public at
 72 large or that supports a service delivery system in the public
 73 sector; or

74 3. A water, wastewater, or surface water management
 75 facility or other related infrastructure.

76 (j) "Responsible public entity" means a county,
 77 municipality, school board, or university, or any other
 78 political subdivision of the state; a public body corporate and
 79 politic; or a regional entity that serves a public purpose and
 80 is authorized to develop or operate a qualifying project.

81 (k) "Revenues" means the income, earnings, user fees, lease
 82 payments, or other service payments relating to the development
 83 or operation of a qualifying project, including, but not limited
 84 to, money received as grants or otherwise from the Federal
 85 Government, a public entity, or an agency or instrumentality
 86 thereof in aid of the qualifying project.

87 (l) "Service contract" means a contract between a public

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88 entity and the private entity which defines the terms of the
 89 services to be provided with respect to a qualifying project.

90 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 91 that there is a public need for the construction or upgrade of
 92 facilities that are used predominantly for public purposes and
 93 that it is in the public's interest to provide for the
 94 construction or upgrade of such facilities.

95 (a) The Legislature also finds that:

96 1. There is a public need for timely and cost-effective
 97 acquisition, design, construction, improvement, renovation,
 98 expansion, equipping, maintenance, operation, implementation, or
 99 installation of projects serving a public purpose, including
 100 educational facilities, transportation facilities, water or
 101 wastewater management facilities and infrastructure, technology
 102 infrastructure, roads, highways, bridges, and other public
 103 infrastructure and government facilities within the state which
 104 serve a public need and purpose, and that such public need may
 105 not be wholly satisfied by existing procurement methods.

106 2. There are inadequate resources to develop new
 107 educational facilities, transportation facilities, water or
 108 wastewater management facilities and infrastructure, technology
 109 infrastructure, roads, highways, bridges, and other public
 110 infrastructure and government facilities for the benefit of
 111 residents of this state, and that a public-private partnership
 112 has demonstrated that it can meet the needs by improving the
 113 schedule for delivery, lowering the cost, and providing other
 114 benefits to the public.

115 3. There may be state and federal tax incentives that
 116 promote partnerships between public and private entities to

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117 develop and operate qualifying projects.

118 4. A procurement under this section serves the public
 119 purpose of this section if such procurement facilitates the
 120 timely development or operation of a qualifying project.

121 (b) It is the intent of the Legislature to encourage
 122 investment in the state by private entities; to facilitate
 123 various bond financing mechanisms, private capital, and other
 124 funding sources for the development and operation of qualifying
 125 projects, including expansion and acceleration of such financing
 126 to meet the public need; and to provide the greatest possible
 127 flexibility to public and private entities contracting for the
 128 provision of public services.

129 (3) PUBLIC-PRIVATE PARTNERSHIP GUIDELINES TASK FORCE.-

130 (a) The Partnership for Public Facilities and
 131 Infrastructure Act Guidelines Task Force is created to establish
 132 guidelines for public entities on the types of factors public
 133 entities should review and consider when processing requests for
 134 public-private partnership projects pursuant to this section,
 135 including consistent requirements for private entities seeking
 136 to participate in the construction or development of a
 137 qualifying project throughout the state.

138 (b) The task force shall consist of nine members, as
 139 follows:

- 140 1. One member of the Senate, appointed by the President of
 141 the Senate.
 142 2. One member of the House of Representatives, appointed by
 143 the Speaker of the House of Representatives.
 144 3. The Secretary of Management Services or his or her
 145 designee.

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146 4. Six members appointed by the Governor, as follows:

- 147 a. One county government official.
 148 b. One municipal government official.
 149 c. One district school board member.
 150 d. Three representatives of the business community.

151 (c) Task force members shall serve for a term of 2 years
 152 each and shall elect a chair and a vice chair. The task force
 153 shall meet as necessary. Administrative and technical support
 154 shall be provided by the department. Task force members shall
 155 serve without compensation, but are entitled to reimbursement
 156 for per diem and travel expenses pursuant to s. 112.061. The
 157 task force shall terminate on July 1, 2015.

158 (d) The task force shall provide guidelines to public
 159 entities no later than July 1, 2014. The guidelines shall
 160 include:

- 161 1. Opportunities for competition through public notice and
 162 the availability of representatives of the responsible public
 163 entity to meet with private entities considering a proposal.
 164 2. Reasonable criteria for choosing among competing
 165 proposals.
 166 3. Suggested timelines for selecting proposals and
 167 negotiating an interim or comprehensive agreement.
 168 4. Authorization for accelerated selection and review and
 169 documentation timelines for proposals involving a qualifying
 170 project that the responsible public entity deems a priority.
 171 5. Procedures for financial review and analysis which, at a
 172 minimum, include a cost-benefit analysis, an assessment of
 173 opportunity cost, and consideration of the results of all
 174 studies and analyses related to the proposed qualifying project.

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175 6. Consideration of the nonfinancial benefits of a proposed
 176 qualifying project.

177 7. A mechanism for the appropriating body to review a
 178 proposed comprehensive agreement before execution.

179 8. Analysis of the adequacy of the information released
 180 when seeking competing proposals, and providing for the
 181 enhancement of that information, if deemed necessary, to
 182 encourage competition, as well as establishing standards to
 183 maintain the confidentiality of financial and proprietary terms
 184 of an unsolicited proposal, which shall be disclosed only in
 185 accordance with the bidding procedures of competing proposals.

186 9. Authority for the responsible public entity to engage
 187 the services of qualified professionals, which may include a
 188 Florida-registered professional or a certified public
 189 accountant, not otherwise employed by the responsible public
 190 entity, to provide an independent analysis regarding the
 191 specifics, advantages, disadvantages, and long-term and short-
 192 term costs of a request by a private entity for approval of a
 193 qualifying project, unless the governing body of the public
 194 entity determines that such analysis should be performed by
 195 employees of the public entity. Professional services as defined
 196 in s. 287.055 must be engaged pursuant to s. 287.055.

197 (e) The establishment of guidelines pursuant to this
 198 section by the task force or the adoption of such guidelines by
 199 a public entity is not required for the public entity to request
 200 or receive proposals for a qualifying project or to enter into a
 201 comprehensive agreement for a qualifying project. A public
 202 entity may adopt guidelines before the establishment of
 203 guidelines by the task force, which may remain in effect as long

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204 as such guidelines are not inconsistent with the guidelines
 205 established by the task force. A guideline that is inconsistent
 206 with the guidelines of the task force must be amended as
 207 necessary to maintain consistency with the task force
 208 guidelines.

209 (4) PROCUREMENT PROCEDURES.—A responsible public entity may
 210 receive unsolicited proposals or may solicit proposals for
 211 qualifying projects and may thereafter enter into an agreement
 212 with a private entity, or a consortium of private entities, for
 213 the building, upgrading, operating, ownership, or financing of
 214 facilities.

215 (a) The responsible public entity may establish a
 216 reasonable application fee for the submission of an unsolicited
 217 proposal under this section. The fee must be sufficient to pay
 218 the costs of evaluating the proposal. The responsible public
 219 entity may engage the services of a private consultant to assist
 220 in the evaluation.

221 (b) The responsible public entity may request a proposal
 222 from private entities for a public-private project or, if the
 223 public entity receives an unsolicited proposal, the public
 224 entity shall publish notice in the Florida Administrative
 225 Register and a newspaper of general circulation at least once a
 226 week for 2 weeks stating that the public entity has received a
 227 proposal and will accept other proposals for the same project.
 228 The timeframe within which the public entity may accept other
 229 proposals shall be determined by the public entity on a project-
 230 by-project basis based upon the complexity of the project and
 231 the public benefit to be gained by allowing a longer or shorter
 232 period of time within which other proposals may be received;

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233 however, the timeframe for allowing other proposals must be at
 234 least 21 days, but no more than 120 days, after the initial date
 235 of publication. A copy of the notice must be mailed to each
 236 local government in the affected area. The scope of the proposal
 237 may be publicized for the purpose of soliciting competing
 238 proposals; however, the financial terms of the proposal may not
 239 be disclosed until the terms of all competing bids are
 240 simultaneously disclosed in accordance with the applicable law
 241 governing procurement procedures for the qualifying project.

242 (c) A responsible public entity that is a school board may
 243 enter into a comprehensive agreement only with the approval of
 244 the local governing body.

245 (d) Before approval, the responsible public entity must
 246 determine that the proposed project:

247 1. Is in the public's best interest.

248 2. Is for a facility that is owned by the responsible
 249 public entity or for a facility for which ownership will be
 250 conveyed to the responsible public entity.

251 3. Has adequate safeguards in place to ensure that
 252 additional costs or service disruptions are not imposed on the
 253 public in the event of material default or cancellation of the
 254 agreement by the responsible public entity.

255 4. Has adequate safeguards in place to ensure that the
 256 responsible public entity or the private entity has the
 257 opportunity to add capacity to the proposed project or other
 258 facilities serving similar predominantly public purposes.

259 5. Will be owned by the responsible public entity upon
 260 completion or termination of the agreement and upon payment of
 261 the amounts financed.

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262 (e) Before signing a comprehensive agreement, the
 263 responsible public entity must consider a reasonable finance
 264 plan that is consistent with subsection (11), the project cost,
 265 revenues by source, available financing, major assumptions,
 266 internal rate of return on private investments, if governmental
 267 funds are assumed in order to deliver a cost-feasible project,
 268 and a total cash-flow analysis beginning with the implementation
 269 of the project and extending for the term of the agreement.

270 (f) In considering an unsolicited proposal, the responsible
 271 public entity may require from the private entity a technical
 272 study prepared by a nationally recognized expert with experience
 273 in preparing analysis for bond rating agencies. In evaluating
 274 the technical study, the responsible public entity may rely upon
 275 internal staff reports prepared by personnel familiar with the
 276 operation of similar facilities or the advice of external
 277 advisors or consultants who have relevant experience.

278 (5) PROJECT APPROVAL REQUIREMENTS.—An unsolicited proposal
 279 from a private entity for approval of a qualifying project must
 280 be accompanied by the following material and information, unless
 281 waived by the responsible public entity:

282 (a) A description of the qualifying project, including the
 283 conceptual design of the facilities or a conceptual plan for the
 284 provision of services, and a schedule for the initiation and
 285 completion of the qualifying project.

286 (b) A description of the method by which the private entity
 287 proposes to secure the necessary property interests that are
 288 required for the qualifying project.

289 (c) A description of the private entity's general plans for
 290 financing the qualifying project, including the sources of the

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291 private entity's funds and the identity of any dedicated revenue
 292 source or proposed debt or equity investment on behalf of the
 293 private entity.

294 (d) The name and address of a person who may be contacted
 295 for additional information concerning the proposal.

296 (e) The proposed user fees, lease payments, or other
 297 service payments over the term of a comprehensive agreement, and
 298 the methodology for and circumstances that would allow changes
 299 to the user fees, lease payments, and other service payments
 300 over time.

301 (f) Additional material or information that the responsible
 302 public entity reasonably requests.

303 (6) PROJECT QUALIFICATION AND PROCESS.—

304 (a) The private entity must meet the minimum standards
 305 contained in the responsible public entity's guidelines for
 306 qualifying professional services and contracts for traditional
 307 procurement projects.

308 (b) The responsible public entity must:

309 1. Ensure that provision is made for the private entity's
 310 performance and payment of subcontractors, including, but not
 311 limited to, surety bonds, letters of credit, parent company
 312 guarantees, and lender and equity partner guarantees. For the
 313 components of the qualifying project which involve construction
 314 performance and payment, bonds are required and are subject to
 315 the recordation, notice, suit limitation, and other requirements
 316 of s. 255.05.

317 2. Ensure the most efficient pricing of the security
 318 package that provides for the performance and payment of
 319 subcontractors.

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320 3. Ensure that provision is made for the transfer of the
 321 private entity's obligations if the comprehensive agreement is
 322 terminated or a material default occurs.

323 (c) After the public notification period has expired in the
 324 case of an unsolicited proposal, the responsible public entity
 325 shall rank the proposals received in order of preference. In
 326 ranking the proposals, the responsible public entity may
 327 consider factors that include, but are not limited to,
 328 professional qualifications, general business terms, innovative
 329 design techniques or cost-reduction terms, and finance plans. If
 330 the responsible public entity is not satisfied with the results
 331 of the negotiations, the responsible public entity may terminate
 332 negotiations with the proposer and negotiate with the second-
 333 ranked or subsequent-ranked firms in the order consistent with
 334 this procedure. If only one proposal is received, the
 335 responsible public entity may negotiate in good faith, and if
 336 the public entity is not satisfied with the results of the
 337 negotiations, the public entity may terminate negotiations with
 338 the proposer. Notwithstanding this paragraph, the responsible
 339 public entity may reject all proposals at any point in the
 340 process until a contract with the proposer is executed.

341 (d) The responsible public entity shall perform an
 342 independent analysis of the proposed public-private partnership
 343 which demonstrates the cost-effectiveness and overall public
 344 benefit before the procurement process is initiated or before
 345 the contract is awarded.

346 (e) The responsible public entity may approve the
 347 development or operation of an educational facility, a
 348 transportation facility, a water or wastewater management

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349 facility or related infrastructure, a technology infrastructure
 350 or other public infrastructure, or a government facility needed
 351 by the responsible public entity as a qualifying project, or the
 352 design or equipping of a qualifying project that is developed or
 353 operated, if:

354 1. There is a public need for or benefit derived from a
 355 project of the type that the private entity proposes as the
 356 qualifying project.

357 2. The estimated cost of the qualifying project is
 358 reasonable in relation to similar facilities.

359 3. The private entity's plans will result in the timely
 360 acquisition, design, construction, improvement, renovation,
 361 expansion, equipping, maintenance, or operation of the
 362 qualifying project.

363 (f) The responsible public entity may charge a reasonable
 364 fee to cover the costs of processing, reviewing, and evaluating
 365 the request, including, but not limited to, reasonable attorney
 366 fees and fees for financial and technical advisors or
 367 consultants and for other necessary advisors or consultants.

368 (g) Upon approval of a qualifying project, the responsible
 369 public entity shall establish a date for the commencement of
 370 activities related to the qualifying project. The responsible
 371 public entity may extend the commencement date.

372 (h) Approval of a qualifying project by the responsible
 373 public entity is subject to entering into a comprehensive
 374 agreement with the private entity.

375 (7) NOTICE TO AFFECTED LOCAL JURISDICTIONS.-

376 (a) The responsible public entity must notify each affected
 377 local jurisdiction by furnishing a copy of the proposal to each

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378 affected local jurisdiction when considering a proposal for a
 379 qualifying project.

380 (b) Each affected local jurisdiction that is not a
 381 responsible public entity for the respective qualifying project
 382 may, within 60 days after receiving the notice, submit in
 383 writing any comments to the responsible public entity and
 384 indicate whether the facility is incompatible with the local
 385 comprehensive plan, the local infrastructure development plan,
 386 the capital improvements budget, or other governmental spending
 387 plan. The responsible public entity shall consider the comments
 388 of the affected local jurisdiction before entering into a
 389 comprehensive agreement with a private entity. If an affected
 390 local jurisdiction fails to respond to the responsible public
 391 entity within the time provided in this paragraph, the
 392 nonresponse is deemed an acknowledgement by the affected local
 393 jurisdiction that the qualifying project is compatible with the
 394 local comprehensive plan, the local infrastructure development
 395 plan, the capital improvements budget, or other governmental
 396 spending plan.

397 (8) INTERIM AGREEMENT.-Before or in connection with the
 398 negotiation of a comprehensive agreement, the public entity may
 399 enter into an interim agreement with the private entity
 400 proposing the development or operation of the qualifying
 401 project. An interim agreement does not obligate the responsible
 402 public entity to enter into a comprehensive agreement. The
 403 interim agreement is discretionary with the parties and is not
 404 required on a qualifying project for which the parties may
 405 proceed directly to a comprehensive agreement without the need
 406 for an interim agreement. An interim agreement must be limited

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407 to provisions that:

408 (a) Authorize the private entity to commence activities for
 409 which it may be compensated related to the proposed qualifying
 410 project, including, but not limited to, project planning and
 411 development, design, environmental analysis and mitigation,
 412 survey, other activities concerning any part of the proposed
 413 qualifying project, and ascertaining the availability of
 414 financing for the proposed facility or facilities.

415 (b) Establish the process and timing of the negotiation of
 416 the comprehensive agreement.

417 (c) Contain such other provisions related to an aspect of
 418 the development or operation of a qualifying project that the
 419 responsible public entity and the private entity deem
 420 appropriate.

421 (9) COMPREHENSIVE AGREEMENT.—

422 (a) Before developing or operating the qualifying project,
 423 the private entity must enter into a comprehensive agreement
 424 with the responsible public entity. The comprehensive agreement
 425 must provide for:

426 1. The delivery of performance and payment bonds, letters
 427 of credit, or other security acceptable to the responsible
 428 public entity in connection with the development or operation of
 429 the qualifying project in the form and amount satisfactory to
 430 the responsible public entity. For the components of the
 431 qualifying project which involve construction, the form and
 432 amount of the bonds must comply with s. 255.05.

433 2. The review of the plans and specifications for the
 434 qualifying project by the responsible public entity and, if the
 435 plans and specifications conform to standards acceptable to the

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436 responsible public entity, the approval of the responsible
 437 public entity. This subparagraph does not require the private
 438 entity to complete the design of the qualifying project before
 439 the execution of the comprehensive agreement.

440 3. The inspection of the qualifying project by the
 441 responsible public entity to ensure that the private entity's
 442 activities are acceptable to the public entity in accordance
 443 with the comprehensive agreement.

444 4. The maintenance of a policy of public liability
 445 insurance, a copy of which must be filed with the responsible
 446 public entity and accompanied by proofs of coverage, or self-
 447 insurance, each in the form and amount satisfactory to the
 448 responsible public entity and reasonably sufficient to ensure
 449 coverage of tort liability to the public and employees and to
 450 enable the continued operation of the qualifying project.

451 5. The monitoring by the responsible public entity of the
 452 maintenance practices to be performed by the private entity to
 453 ensure that the qualifying project is properly maintained.

454 6. The periodic filing by the private entity of the
 455 appropriate financial statements that pertain to the qualifying
 456 project.

457 7. The procedures that govern the rights and
 458 responsibilities of the responsible public entity and the
 459 private entity in the course of the construction and operation
 460 of the qualifying project and in the event of the termination of
 461 the comprehensive agreement or a material default by the private
 462 entity. The procedures must include conditions that govern the
 463 assumption of the duties and responsibilities of the private
 464 entity by an entity that funded, in whole or part, the

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465 qualifying project or by the responsible public entity, and must
 466 provide for the transfer or purchase of property or other
 467 interests of the private entity by the responsible public
 468 entity.

469 8. In negotiating user fees, the fees must be the same for
 470 persons using the facility under like conditions and must not
 471 materially discourage use of the qualifying project. The
 472 execution of the comprehensive agreement or a subsequent
 473 amendment is conclusive evidence that the fees, lease payments,
 474 or service payments provided for in the comprehensive agreement
 475 comply with this section. Fees or lease payments established in
 476 the comprehensive agreement as a source of revenue may be in
 477 addition to, or in lieu of, service payments.

478 9. The duties of the private entity, including the terms
 479 and conditions that the responsible public entity determines
 480 serve the public purpose of this section.

481 (b) The comprehensive agreement may include:

482 1. An agreement by the responsible public entity to make
 483 grants or loans to the private entity from amounts received from
 484 the federal, state, or local government or an agency or
 485 instrumentality thereof.

486 2. A provision under which each entity agrees to provide
 487 notice of default and cure rights for the benefit of the other
 488 entity, including, but not limited to, a provision regarding
 489 unavoidable delays.

490 3. A provision that terminates the authority and duties of
 491 the private entity under this section and dedicates the
 492 qualifying project to the responsible public entity or, if the
 493 qualifying project was initially dedicated by an affected local

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494 jurisdiction, to the affected local jurisdiction for public use.

495 (10) FEES.—An agreement entered into pursuant to this
 496 section may authorize the private entity to impose fees to
 497 members of the public for the use of the facility. The following
 498 provisions apply to the agreement:

499 (a) The responsible public entity may develop new
 500 facilities or increase capacity in existing facilities through
 501 agreements with public-private partnerships.

502 (b) The public-private partnership agreement must ensure
 503 that the facility is properly operated, maintained, or improved
 504 in accordance with standards set forth in the comprehensive
 505 agreement.

506 (c) The responsible public entity may lease existing fee-
 507 for-use facilities through a public-private partnership
 508 agreement.

509 (d) Any revenues must be regulated by the responsible
 510 public entity pursuant to the comprehensive agreement.

511 (e) A negotiated portion of revenues from fee-generating
 512 uses must be returned to the public entity over the life of the
 513 agreement.

514 (11) FINANCING.—

515 (a) A private entity may enter into a private-source
 516 financing agreement between financing sources and the private
 517 entity. A financing agreement and any liens on the property or
 518 facility must be paid in full at the applicable closing that
 519 transfers ownership or operation of the facility to the
 520 responsible public entity at the conclusion of the term of the
 521 comprehensive agreement.

522 (b) The responsible public entity may lend funds to private

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523 entities that construct projects containing facilities that are
 524 approved under this section.

525 (c) The responsible public entity may use innovative
 526 finance techniques associated with a public-private partnership
 527 under this section, including, but not limited to, federal loans
 528 as provided in Titles 23 and 49 C.F.R., commercial bank loans,
 529 and hedges against inflation from commercial banks or other
 530 private sources. In addition, the responsible public entity may
 531 provide its own capital or operating budget to support a
 532 qualifying project. The budget may be from any legally
 533 permissible funding sources of the responsible public entity,
 534 including the proceeds of debt issuances. A responsible public
 535 entity may use the model financing agreement provided in s.
 536 489.145(6) for its financing of a facility owned by a
 537 responsible public entity. A financing agreement may not require
 538 the responsible public entity to indemnify the financing source,
 539 subject the responsible public entity's facility to liens in
 540 violation of s. 11.066(5), or secure financing by the
 541 responsible public entity with a pledge of security interest,
 542 and any such provision is void.

543 (d) A responsible public entity shall appropriate on a
 544 priority basis as required by the comprehensive agreement a
 545 contractual payment obligation, annual or otherwise, from the
 546 enterprise or other government fund from which the qualifying
 547 projects will be funded. This required payment obligation must
 548 be appropriated before other noncontractual obligations payable
 549 from the same enterprise or other government fund.

550 (12) POWERS AND DUTIES OF THE PRIVATE ENTITY.-

551 (a) The private entity shall:

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552 1. Develop or operate the qualifying project in a manner
 553 that is acceptable to the responsible public entity in
 554 accordance with the provisions of the comprehensive agreement.

555 2. Maintain, or provide by contract for the maintenance or
 556 improvement of, the qualifying project if required by the
 557 comprehensive agreement.

558 3. Cooperate with the responsible public entity in making
 559 best efforts to establish interconnection between the qualifying
 560 project and any other facility or infrastructure as requested by
 561 the responsible public entity in accordance with the provisions
 562 of the comprehensive agreement.

563 4. Comply with the comprehensive agreement and any lease or
 564 service contract.

565 (b) Each private facility that is constructed pursuant to
 566 this section must comply with the requirements of federal,
 567 state, and local laws; state, regional, and local comprehensive
 568 plans; the responsible public entity's rules, procedures, and
 569 standards for facilities; and such other conditions that the
 570 responsible public entity determines to be in the public's best
 571 interest and that are included in the comprehensive agreement.

572 (c) The responsible public entity may provide services to
 573 the private entity. An agreement for maintenance and other
 574 services entered into pursuant to this section must provide for
 575 full reimbursement for services rendered for qualifying
 576 projects.

577 (d) A private entity of a qualifying project may provide
 578 additional services for the qualifying project to the public or
 579 to other private entities if the provision of additional
 580 services does not impair the private entity's ability to meet

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581 its commitments to the responsible public entity pursuant to the
 582 comprehensive agreement.

583 (13) EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the
 584 expiration or termination of a comprehensive agreement, the
 585 responsible public entity may use revenues from the qualifying
 586 project to pay current operation and maintenance costs of the
 587 qualifying project. If the private entity materially defaults
 588 under the comprehensive agreement, the compensation that is
 589 otherwise due to the private entity is payable to satisfy all
 590 financial obligations to investors and lenders on the qualifying
 591 project in the same way that is provided in the comprehensive
 592 agreement or any other agreement involving the qualifying
 593 project, if the costs of operating and maintaining the
 594 qualifying project are paid in the normal course. Revenues in
 595 excess of the costs for operation and maintenance costs may be
 596 paid to the investors and lenders to satisfy payment obligations
 597 under their respective agreements. A responsible public entity
 598 may terminate with cause and without prejudice a comprehensive
 599 agreement and may exercise any other rights or remedies that may
 600 be available to it in accordance with the provisions of the
 601 comprehensive agreement. The full faith and credit of the
 602 responsible public entity may not be pledged to secure the
 603 financing of the private entity. The assumption of the
 604 development or operation of the qualifying project does not
 605 obligate the responsible public entity to pay any obligation of
 606 the private entity from sources other than revenues from the
 607 qualifying project unless stated otherwise in the comprehensive
 608 agreement.

609 (14) SOVEREIGN IMMUNITY.—This section does not waive the

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610 sovereign immunity of a responsible public entity, an affected
 611 local jurisdiction, or an officer or employee thereof with
 612 respect to participation in, or approval of, any part of a
 613 qualifying project or its operation, including, but not limited
 614 to, interconnection of the qualifying project with any other
 615 infrastructure or project. A county or municipality in which a
 616 qualifying project is located possesses sovereign immunity with
 617 respect to the project, including, but not limited to, its
 618 design, construction, and operation.

619 (15) CONSTRUCTION.—This section shall be liberally
 620 construed to effectuate the purposes of this section.

621 (a) This section does not limit a state agency or political
 622 subdivision of the state in the acquisition, design, or
 623 construction of a public project pursuant to other statutory
 624 authority.

625 (b) Except as otherwise provided in this section, this
 626 section does not amend existing laws by granting additional
 627 powers to, or further restricting, a local governmental entity
 628 from regulating and entering into cooperative arrangements with
 629 the private sector for the planning, construction, or operation
 630 of a facility.

631 (c) This section does not waive any requirement of s.
 632 287.055.

633 Section 2. Section 336.71, Florida Statutes, is created to
 634 read:

635 336.71 Public-private transportation facilities.—

636 (1) A county may receive or solicit proposals and enter
 637 into agreements with private entities or consortia thereof to
 638 build, operate, own, or finance highways, bridges, multimodal

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639 transportation systems, transit-oriented development nodes,
 640 transit stations, and related transportation facilities located
 641 solely within the county, including municipalities therein.
 642 Before approval, the county must determine that a proposed
 643 project:

644 (a) Is in the best interest of the public.

645 (b) Would not require county funds to be used unless the
 646 project is on the county road system or would provide increased
 647 mobility on the county road system.

648 (c) Would have adequate safeguards to ensure that
 649 additional costs or unreasonable service disruptions are not
 650 realized by the traveling public and citizens of the state in
 651 the event of default or cancellation of the agreement by the
 652 county.

653 (d) Would be owned by the county upon completion or
 654 termination of the agreement.

655 (2) The county shall ensure that all reasonable costs to
 656 the county related to transportation facilities that are not
 657 part of the county road system are borne by the private entity
 658 that develops or operates the facilities. The county shall also
 659 ensure that all reasonable costs to the county and substantially
 660 affected local governments and utilities related to the private
 661 transportation facility are borne by the private entity for
 662 transportation facilities that are owned by private entities.
 663 For projects on the county road system or that provide increased
 664 mobility on the county road system, the county may use county
 665 resources to participate in funding and financing the project
 666 pursuant to the county's financial policies and ordinances.

667 (3) The county may request proposals and receive

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668 unsolicited proposals for public-private transportation
 669 facilities. Upon a determination by the governing body of the
 670 county to issue a request for proposals, the governing body of
 671 the county must publish a notice of the request for proposals in
 672 a newspaper of general circulation in the county at least once a
 673 week for 2 weeks. Upon receipt of an unsolicited proposal, the
 674 governing body of the county must publish a notice in a
 675 newspaper of general circulation in the county at least once a
 676 week for 2 weeks stating that it has received the proposal and
 677 will accept, for 60 days after the initial date of publication,
 678 other proposals for the same project purpose. A copy of the
 679 notice must be mailed to the governing body of each local
 680 government in the affected area. After the public notification
 681 period has expired, the governing body of the county shall rank
 682 the proposals in order of preference. In ranking the proposals,
 683 the governing body of the county shall consider professional
 684 qualifications, general business terms, innovative engineering
 685 or cost-reduction terms, finance plans, and the need for county
 686 funds to complete the project. If the governing body of the
 687 county is not satisfied with the results of the negotiations, it
 688 may terminate negotiations with the proposer. If negotiations
 689 are unsuccessful, the governing body of the county may negotiate
 690 with the private entity that has the next highest ranked
 691 proposal, using the same procedure. If only one proposal is
 692 received, the governing body of the county may negotiate in good
 693 faith and may, if not satisfied with the results, terminate
 694 negotiations with the proposer. The governing body of the county
 695 may, at its discretion, reject all proposals at any point in the
 696 process up to completion of a contract with the proposer. Any

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697 private entity submitting an unsolicited proposal shall submit
 698 with the proposal a fee of \$25,000 to be used by the governing
 699 body of the county for the costs associated with the review and
 700 analysis of the proposal, and such entity shall remain liable
 701 for any additional costs and expenses incurred by the governing
 702 body of the county for such review and analysis.

703 (4) Agreements entered into pursuant to this section may
 704 authorize the county or the private project owner, lessee, or
 705 operator to impose, collect, and enforce tolls or fares for the
 706 use of the transportation facility. However, the amount and use
 707 of toll or fare revenue shall be regulated by the county to
 708 avoid unreasonable costs to users of the facility.

709 (5) Each public-private transportation facility constructed
 710 pursuant to this section shall comply with all requirements of
 711 federal, state, and local laws; state, regional, and local
 712 comprehensive plans; the county's rules, policies, procedures,
 713 and standards for transportation facilities; and any other
 714 conditions that the county determines to be in the best interest
 715 of the public.

716 (6) The governing body of the county may exercise any of
 717 its powers, including eminent domain, to facilitate the
 718 development and construction of transportation projects pursuant
 719 to this section. The governing body of the county may pay all or
 720 part of the cost of operating and maintaining the facility and
 721 may provide services to the private entity, for which services
 722 it shall receive full or partial reimbursement.

723 (7) Except as otherwise provided in this section, this
 724 section is not intended to amend existing law by granting
 725 additional powers to or imposing further restrictions on local

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726 governmental entities with regard to regulating and entering
 727 into cooperative arrangements with the private sector for the
 728 planning, construction, and operation of transportation
 729 facilities.

730 (8) Public-private partnership agreements under this
 731 section shall be limited to a term not exceeding 75 years.

732 (9) This section does not authorize a county or counties to
 733 enter into agreements with private entities or consortia thereof
 734 to build, operate, own, or finance a transportation facility
 735 that would extend beyond the geographical boundaries of a single
 736 county.

737 Section 3. This act shall take effect July 1, 2013.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13
Meeting Date

Topic PPP Amendment

Bill Number SB 84
(if applicable)

Name Pieter Bockweg

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 1401 ~~W~~ N Miami Ave, 2nd floor
Street

Phone (305) 679-6868

Miami FL 33136
City State Zip

E-mail pbockweg@miamigov.com

Speaking: For Against Information

Representing miami Community Redevelopment Agency (CRA)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/7/13

Meeting Date

Topic Public - Private Pursuit

Bill Number SB 84 (if applicable)

Name ERIC POOLE

Amendment Barcode (if applicable)

Job Title ASST. LEGIS DIR

Address 10 - MYNOR Street

Phone 9274300

TN State Zip

E-mail

Speaking: [X] For [] Against [] Information

Representing Florida Assoc. Courts

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13

Meeting Date

Topic Public-Private Partnerships

Bill Number 84
(if applicable)

Name Warren Husband

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 10909
Street

Phone 850 205 9000

Tallahassee FL 32302
City State Zip

E-mail _____

Speaking: For Against Information

Representing FL Associated General Contractors Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2013

Meeting Date

Topic Public Private Partnerships

Bill Number 84
(if applicable)

Name Leticia M Adams

Amendment Barcode _____
(if applicable)

Job Title Director of Infrastructure Policy

Address 136 South Bronough Street
Street

Phone 850-544-6866

Tallahassee FL 32301
City *State* *Zip*

E-mail ladams@flchamber.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13

Meeting Date

Topic Public Private Partnerships Bill Number 84
(if applicable)

Name Mark Anderson Amendment Barcode _____
(if applicable)

Job Title _____

Address 121 N. Monroe #1401 Phone 850 320-6659
Street

Tallahassee, FL 32301 E-mail _____
City State Zip

Speaking: For Against Information

Representing Nassau County

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13
Meeting Date

Topic Public Private Partnership Bill Number 84
(if applicable)

Name David Hullman Amendment Barcode _____
(if applicable)

Job Title County Attorney

Address 96135 Nassau Place, Suite 6 Phone 904-548-4590
Street

Yulee, FL 32097 E-mail _____
City State Zip

Speaking: For Against Information

Representing Nassau County

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13
Meeting/Date

Topic PPP

Bill Number 84
(if applicable)

Name David Cruz

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 701-3076

Tally FL 32302
City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

April 2, 2013

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Public Private Partnership
Name Bruce Kershner

Bill Number SB 84 (if applicable)

Amendment Barcode (if applicable)

Job Title

Address 231 West Bay Ave.
Lengwood, FL 32750

Phone 407 830 1882

E-mail BKershner@att.net

Speaking: [X] For [] Against [] Information

Representing NACM - Improved Construction Practice Committee

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 2, 2013
Meeting Date

Topic Public Private Partnership

Bill Number SB 84 (if applicable)

Name Bruce Kershner

Amendment Barcode (if applicable)

Job Title

Address 231 West Bay Ave
Street
Longwood FL 32750
City State Zip

Phone 407 830-1980

E-mail RBKershner@att.net

Speaking: For Against Information

Representing Underground Utility Contractors of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13
Meeting Date

Topic SB 84

Bill Number 84
(if applicable)

Name Stephen Shiver

Amendment Barcode _____
(if applicable)

Job Title _____

Address 215 S. Monroe St
Street
Tallahassee FL 32301
City State Zip

Phone 850 222 8900

E-mail _____

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/2/13
Meeting Date

Topic Public Private Partnerships

Bill Number 84
(if applicable)

Name Richard Watson

Amendment Barcode _____
(if applicable)

Job Title Legislative Council

Address P.O. Box 10038

Phone 888 227-0000

Street

Tallahassee, FL 32302

City

State

Zip

E-mail rick@watsonand
associates.com

Speaking: For Against Information

Representing Associated Builders & Contractors of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 300

INTRODUCER: Transportation Committee and Senator Detert

SUBJECT: Transportation Facility Designations

DATE: April 3, 2013 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Price | Eichin | TR | Fav/CS |
| 2. | | | CA | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 300 creates a number of honorary designations of transportation facilities around the state as follows:

- The bridge (numbers 170169 and 170170) over the Intracoastal Waterway on U.S. Business 41/S.R. 45/Tamiami Trail in the City of Venice is designated as “KMI Kentucky Military Institute Bridge.”
- S.R. 73 between the Calhoun County Line and U.S. 231 in Jackson County is designated as “Governor Mixson Highway.”
- U.S. 98/S.R. 30 between Rosewood Drive and Sunrise Drive in Santa Rosa County is designated as “Warren E. ‘Charlie’ Brown Memorial Highway.”
- S.R. 589 and S.R. 568/Veterans Expressway between S.R. 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry Highway in Hillsborough County is designated as “RADM LeRoy Collins, Jr., Veterans Expressway.”

- I-10/S.R. 8 between mile post 232 and mile post 233 in Jefferson County is designated as “Trooper James Herbert Fulford, Jr., Memorial Highway.”
- Bridge (Number 380047) on U.S. 98/S.R. 30 over the Aucilla River in Taylor County is designated as “SP4 Billy Jacob Hartsfield Bridge.”
- S.R. 269 between U.S.90/S.R. 10 and S.R. 12 in Gadsden County is designated as “Julia Munroe Woodward Highway.”
- S.R. 293 between the Mid-Bay Bridge Toll Plaza and S.R. 85 in Okaloosa County as “Walter Francis Spence Parkway.”
- S.R. 992/S.W. 152nd Street/Coral Reef Drive from S.R. 821/Homestead Extension of the Florida Turnpike to S.W. 99th Court in Miami-Dade County is designated as “Reverend John A. Ferguson Street.”
- S.R. 415 between Acorn Lake Road and Reed Ellis Road in Volusia County is designated as “David G. Ledgerwood Memorial Highway.”
- U.S. 98/S.R.30A/Tyndall Parkway between County Road 2327/Transmitter Road and S.R. 22 in Bay County is designated as “Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway as described in subsection (1).
- 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County is designated as “C. Blythe Andrews Road.”
- Palm Avenue between 15th Street and S.R. 45/Nebraska Avenue in Hillsborough County is designated as “Roland Manteiga Road.”
- S.R. 922/125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as “Sergeant Carl Mertes Street.”
- N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as “Detective Sergeant Steven E. Bauer Street.”
- N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as “Sergeant Lynette Hodge Street.”
- N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County is designated as “Full Gospel Assembly Street.”
- N.W. 39th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as “Ebenezer Christian Academy Street.”
- N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County is designated as “Bishop Abe Randall Boulevard.”

- S.R. 934/N.W. 81st Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County is designated as “Jacob Fleishman Street.”
- S.R. 860/Miami Gardens Drive/N.W. 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in Miami-Dade County is designated as “Bishop Isaiah S. Williams, Jr., Street.”
- N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County is designated as “Reverend Wilner Maxi Street.”
- U.S. 90/S.R. 10 between Gretna and Chattahoochee in Gadsden County is designated as “James Harold Thompson Highway.”
- The intersection of S.W. 4th Street and S.R. 985/S.W. 107th Avenue in Miami-Dade County is designated as “Juan Armando Torga, Jr., Intersection.”
- The intersection of S.W. 127th Avenue and U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street in Miami-Dade County is designated as “Belen Jesuit Preparatory School Intersection.”
- U.S. 90/S.R. 10 between N. 5th Street and N. Norwood Road in Walton County is designated as “Dr. Martin Luther King, Jr., Avenue.”
- Bridge (Number 780075) on U.S. 1/S.R. 5/Ponce de Leon Boulevard over the San Sebastian River in St. Johns County is designated as “Ponce de Leon Bridge.”
- 25th Street between East 8th Avenue and East 9th Avenue in Miami-Dade County as “Tomas-Minerva Vinuela Way.”
- Ramp number 8 at mile marker 40.7 on I-75/S.R. 93/Alligator Alley in Broward County is designated as “The Honorable Dale G. Bennett Boat Ramp.”
- U.S. 1/S.R. 5/N.E. 6th Avenue between Ponce de Leon Drive and S.R. 84/S.E. 24th Street in Broward County as “Robert L. Clark Memorial Highway.”

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each

highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

Section 1: Designates the bridge over the Intracoastal Waterway (bascul bridge numbers 170169 and 170170) on U.S. Business 41/S.R. 45/Tamiami Trail in the City of Venice, Sarasota County, as the “KMI Kentucky Military Institute Bridge.”

The Kentucky Military Institute (KMI), a military preparatory school, was located in Venice, Florida, from 1932 until 1973. Some KMI cadets and their families continue to live in the Venice community and others visit regularly for KMI reunions held every four years in Venice. On November 7, 2012, the City Council of the City of Venice, Florida, adopted Resolution No. 2012-16 expressing support for the “KMI Kentucky Military Institute Bridge” designation to preserve a part of the history of City of Venice.

Section 2: Designates that portion of S.R. 73 between the Calhoun County Line and U.S. 231 in Jackson County as “Governor Mixson Highway.”

Governor John Wayne Mixson was born and raised in New Brocton, Alabama. Shortly after graduating from high school, Governor Mixson moved to Jackson County Florida. During WWII, Governor Mixson served our nation honorably in the United States Navy. Following the war, the Governor attended Columbia University, the University of Pennsylvania as well as the University of Florida. Following his higher education, Governor Mixson served six consecutive terms in the Florida House of Representatives. In 1978, Governor Mixson chose not to run for another term in the House and instead ran for Lieutenant Governor alongside Governor Bob Graham. Governor Mixson served two terms as our State’s Lieutenant Governor. Additionally, in 1979, Governor Mixson was appointed to serve as a Special Ambassador to Ecuador by President Jimmy Carter. Upon election to the United States Senate in 1986, Governor Mixson succeeded Governor Graham as the 39th Governor of Florida for the remainder of his term when he left office to serve Florida in the United States Senate.

Section 3: Designates that portion of U.S. 98/S.R. 30 between Rosewood Drive and Sunrise Drive in Santa Rosa County as “Warren E.”Charlie” Brown Memorial Highway.”

Warren E “Charlie” Brown was born on January 8, 1932 in Hamlet North Carolina. Charlie served our nation honorably for over 27 years in the United States Air Force. Charlie retired from military service as a Senior Master Sergeant in 1978. For over half of his career in the USAF, Charlie was stationed at Northwest Florida’s Hurlburt Field and served in Special Operations. After his retirement from the military, Charlie and his wife of 55 years, Shirley L. Brown made their home in Navarre. Shirley and Charlie had a passion for supporting and

serving our Airmen in Northwest Florida and were often seen at military events throughout the panhandle offering their support. Additionally, Charlie was deeply involved in the business community of Santa Rosa County. He served as the director and executive director of the Navarre Beach Area Chamber of Commerce and was always active within the Military Affairs Committee for the Chamber. Charlie and Shirley were also active members in First Baptist Church of Fort Walton Beach.

Section 4: Designates that portion of S.R. 589 and S.R. 568/Veterans Expressway between S.R. 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry Highway in Hillsborough County as “RADM LeRoy Collins, Jr., Veterans Expressway.”

LeRoy Collins, Jr., was a Rear Admiral in the Navy Reserve, a prominent businessman and civic leader, and the former Executive Director of the Florida Department of Veterans Affairs. He passed away on July 29, 2010.

Section 5: Designates that portion of I-10/S.R. 8 between mile post 232 and mile post 233 in Jefferson County as “Trooper James Herbert Fulford, Jr., Memorial Highway.”

Trooper James Herbert Fulford, Jr., was a 14-year member of the Florida Highway Patrol who died in the line of duty on February 1, 1992, when a bomb exploded while he was searching a car.

Section 6: Designates the bridge (number 380047) on U.S. 98/S.R. 30 over the Aucilla River in Taylor County as “SP4 Billy Jacob Hartsfield Bridge.”

Specialist Fourth Class Billy Jacob Hartsfield was a member of Bravo Battery, 14th Artillery, attached as FO Recon Sergeant and Aircraft Maintenance Crewman to Charlie Company, First Battalion, 46th Infantry, 196th Light Infantry Brigade, Americal Division who lost his life when his aircraft crashed in Quang Tin Province, South Vietnam, in 1970. On September 17, 2012, the Board of County Commissioners of Taylor County, Florida, adopted a resolution expressing its support for the “SP4 Billy Jacob Hartsfield Bridge” designation in honor of his memory.

Section 7: Designates S.R. 269, upon completion of its construction, between U.S. 90/S.R. 10 and S.R. 12 in Gadsden County as “Julia Munroe Woodward Highway.”

Julia Munroe Woodward was a life-long resident of Quincy, Florida, who contributed her time, talent, and resources for the betterment of her community. Various Gadsden County schools, the Quincy Garden Club, Quincy Garden Center, Gadsden Arts Center, Quincy Music Theater, Pilot Club, Girl Scouts, Boy Scouts, the First Presbyterian Church of Quincy and many other organizations benefited from her efforts on their behalf. Her appreciation for Gadsden County business, industry, and economic development was evidenced by her support of the Gadsden County Chamber of Commerce, and recognition of her service is evidenced by honors, awards, and accolades. Ms. Woodward passed away on December 9, 2012.

Section 8: Designates S.R. 293 between the Mid-Bay Bridge Toll Plaza and S.R. 85 in Okaloosa County as “Walter Francis Spence Parkway.”

Walter Francis Spence was a supporter of a bridge across Choctawhatchee Bay for decades before creation of the Mid-Bay Bridge Authority. He was the President of the Niceville/Valparaiso Chamber of Commerce in 1975-1976; a Regional 380 Committee member, who assisted in the formulation of the basis for today's local government comprehensive plans; a 1989 member of the Governor's Commission of the Future of Florida's Environment; a member of the Mid-Bay Bridge Authority in 1990-1991 and again from 1999-2005, and currently serves as a member of the Okaloosa-Walton Metropolitan Planning Organization and of the Okaloosa County's Defense Support Initiative Group. On March 19, 2013, the Okaloosa County Board of Commissioners adopted Resolution No. 13-48 expressing support for the "Walter Francis Spence Parkway" designation.

Section 9: Designates that portion of S.R. 992/S.W. 152nd Street/Coral Reef Drive from S.R. 821/Homestead Extension of the Florida Turnpike to S.W. 99th Court in Miami-Dade County as "Reverend John A. Ferguson Street."

Reverend John A. Ferguson was the founder and long-time pastor of Second Baptist Church in Miami-Dade County. He was a native of Coconut Grove and a George Washington Carver Senior High School graduate. A career veteran of the U.S. Navy who enlisted after the 1941 Japanese attack on Pearl Harbor, Ferguson served for 21 years during three wars: World War II, Korea, and Vietnam. He founded the church after he retired from the service with the rank of chief petty officer and moved his family back to Miami from Norfolk, Va. At the time of his retirement, the church was involved in more than 30 ministries. Reverend Ferguson passed away on July 26, 2012.

Section 10: Designates that portion of S.R. 415 between Acorn Lake Road and Reed Ellis Road in Volusia County as "David G. Ledgerwood Memorial Highway."

David G. Ledgerwood was killed in action in Vietnam on April 29, 1968, just 25 days after his tour began.

Section 11: Designates that portion of U.S. 98/S.R. 30A/Tyndall Parkway between County Road 2327/Transmitter Road and S.R. 22 in Bay County as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."

Lieutenant Colonel Carl John Luksic, USAF, served in World War II, the Korean War, and the Vietnam War. He was a Prisoner of War during World War II. Colonel Luksic received many awards while serving in the Air Force, but most notable were the Distinguished Service Cross, Distinguished Flying Cross, and the Purple Heart. He passed away on May 24, 2009.

Section 12: Designates that portion of 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County as "C. Blythe Andrews Road."

C. Blythe Andrews was a newspaperman, businessman, fraternal leader, and civic leader in the Tampa community. He passed away on April 2, 1977.

Section 13: Designates that portion of Palm Avenue between 15th Street and S.R. 45/Nebraska Avenue in Hillsborough County as "Roland Manteiga Road."

Roland Manteiga was in charge of the La Gaceta newspaper from 1961 until 1998. He was also active in the Tampa community. He passed away on September 25, 1998.

Section 14: Designates that portion of S.R. 922/125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as “Sergeant Carl Mertes Street.”

Sergeant Carl Mertes was a North Miami police officer killed in the line of duty on November 6, 1980, while assisting another officer on a traffic stop.

Section 15: Designates that portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as “Detective Sergeant Steven E. Bauer Street.”

Detective Sergeant Steven E. Bauer was a North Miami police officer who was killed while working off duty at a bank on January 3, 1992.

Section 16: Designates that portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as “Sergeant Lynette Hodge Street.”

Sergeant Lynette Hodge was a North Miami police officer killed in a vehicle accident while en route to assist a fellow officer on November 16, 1993.

Section 17: Designates that portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County as “Full Gospel Assembly Street.”

Full Gospel Assembly is a church founded in Miami on February 6, 1983.

Section 18: Designates that portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County as “Ebenezer Christian Academy Street.”

Ebenezer Christian Academy is a private Christian school in Miami founded in 1992.

Section 19: Designates that portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County as “Bishop Abe Randall Boulevard.”

Bishop Abe Randall is pastor of St. Matthews Free Will Baptist Church in Miami, where he has served for 44 years.

Section 20: Designates that portion of S.R. 934/N.W. 81st Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County as “Jacob Fleishman Street.”

Jacob Fleishman founded Jacob Fleishman Cold Storage in Miami, a fourth-generation family business. N.W. 81st Street forms a one-way pair with N.W. 79th Street. N.W. 79th Street was designated during the 2012 Session.

Section 21: Designates that portion of S.R. 860/Miami Gardens Drive/N.W. 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in Miami-Dade County as “Bishop Isaiah S. Williams, Jr., Street.”

Bishop Isaiah S. Williams, Jr., was the founder and senior pastor of Jesus People Ministries Church International, Inc., in Miami. He passed away on July 2, 2009.

Section 22: Designates that portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County as “Reverend Wilner Maxi Street.”

Reverend Wilner Maxi is pastor of Emmanuel Haitian Baptist Church in Miami-Dade County.

Section 23: Designates that portion of U.S. 90/S.R. 10 between Gretna and Chattahoochee in Gadsden County as “James Harold Thompson Highway.”

James Harold Thompson was a member of the Florida House of Representative from Gadsden County and served as Speaker from 1985 to 1986.

Section 24: Designates the intersection of S.W. 4th Street and S.R. 985/S.W. 107th Avenue in Miami-Dade County as “Juan Armando Torga, Jr., Intersection.”

Juan Armando Torga, Jr., was in the United States Air Force, a Miami-Dade County police reserve officer, and a Miami-Dade County Firefighter. He passed away on March 17, 2009.

Section 25: Designates the intersection of S.W. 127th Avenue and U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street in Miami-Dade County as “Belen Jesuit Preparatory School Intersection.”

Belen Jesuit Preparatory School was founded in Cuba in 1854 and established as a private Christian school in Miami in 1961.

Section 26: Designates that portion of U.S. 90/S.R. 10 between N. 5th Street and N. Norwood Road in Walton County as “Dr. Martin Luther King, Jr., Avenue.”

Dr. Martin Luther King, Jr., was a civil rights leader. He was killed on April 4, 1968.

Section 27: Designates the bridge (number 780075) on U.S. 1/S.R. 5/Ponce De Leon Boulevard over the San Sebastian River in St. Johns County as “Ponce de Leon Bridge.”

Ponce de Leon was a Spanish explorer instrumental in the discovery of Florida by Europeans in 1513.

Section 28: Designates 25th Street between East 8th Avenue and East 9th Avenue in Miami-Dade County as “Tomas-Minerva Vinuela Way.”

Tomas and Minerva Vinuela emigrated from Cuba in the 1960’s and later founded Hialeah Hardware. More than two decades after the founding, the Vinuelas continue to own and operate the family business.

Section 29: Designates ramp number 8 at mile marker 40.7 on I-75/S.R. 93/Alligator Alley in Broward County as “The Honorable Dale G. Bennett Boat Ramp.”

Dale G. Bennett was the Mayor of Hialeah and an Everglades conservationist. He passed away in 1997.

Section 30: Designates that portion of U.S.1/S.R.5/N.E. 6th Avenue between Ponce de Leon Drive and S.R. 84/S.E. 24th Street in Broward County as “Robert L. Clark Memorial Highway.”

Robert L. Clark served as a Broward County deputy sheriff and as President of the South Broward Drainage District. He passed away on August 17, 1968.

Section 31: Provides the bill takes effect on July 1, 2013.

Other Implications:

The Ebenezer Christian Academy and the Belen Jesuit Preparatory School are private schools. The Federal Highway Administration (FHWA) may view the signs for these designations as commercial advertising, rather than as honorary or memorial designations. The FHWA could conclude that signs erected to mark the designations violate the federal Highway Beautification Act and the agreement between the U.S. Department of Transportation and the Florida Department of Transportation regarding effective control of outdoor advertising. Should the state be deemed to have lost effective control of outdoor advertising, the state is potentially subject to a federal funds penalty of 10% of federal highway construction funds for each year of noncompliance.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$30,000 for 60 signs at a cost of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 3, 2013:

The CS incorporated the following additional designations: “Governor Mixson Highway,” “Warren E. ‘Charlie’ Brown Memorial Highway,” “RADM LeRoy Collins, Jr., Veterans Expressway,” “Trooper James Herbert Fulford, Jr., Memorial Highway,” “SP4 Billy Jacob Hartsfield Bridge,” “Julia Munroe Woodward Highway,” “Walter Francis Spence Parkway,” “Reverend John A. Ferguson Street,” “David G. Ledgerwood Memorial Highway,” “Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway,” “C. Blythe Andrews Road,” “Roland Manteiga Road,” “Sergeant Carl Mertes Street,” “Detective Sergeant Steven E. Bauer Street,” “Sergeant Lynette Hodge Street,” “Full Gospel Assembly Street,” “Ebenezer Christian Academy Street,” “Bishop Abe Randall Boulevard,” “Jacob Fleishman Street,” “Bishop Isaiah S. Williams, Jr., Street,” “Reverend Wilner Maxi Street,” “James Harold Thompson Highway,” “Juan Armando Torga, Jr., Intersection,” “Belen Jesuit Preparatory School Intersection,” “Dr. Martin Luther King, Jr., Avenue,” “Ponce de Leon Bridge,” “Tomas-Minerva Vinuela Way,” “The Honorable Dale G. Bennett Boat Ramp,” and “Robert L. Clark Memorial Highway.”

B. Amendments:

None.



593414

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/03/2013 | . | |
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The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 19
and insert:

Section 2. Tomas-Minerva Vinuela Way designated; Department of Transportation to erect suitable markers.-

(1) That portion of 25th Street in Miami-Dade County between East 8th Avenue and East 9th Avenue is designated as "Tomas-Minerva Vinuela Way."

(2) The Department of Transportation is directed to erect suitable markers designating Tomas-Minerva Vinuela Way as described in subsection (1).



593414

13 Section 3. The Honorable Dale G. Bennett Boat Ramp
14 designated; Department of Transportation to erect suitable
15 markers.-

16 (1) Ramp number 8 at mile marker 40.7 on I-75/S.R.
17 93/Alligator Alley in Broward County is designated as "The
18 Honorable Dale G. Bennett Boat Ramp."

19 (2) The Department of Transportation is directed to erect
20 suitable markers designating The Honorable Dale G. Bennett Boat
21 Ramp as described in subsection (1).

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete lines 3 - 4

25 and insert:

26 designations; providing honorary designations of
27 various transportation facilities in specified
28 counties;



808800

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 04/03/2013 | . | |
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The Committee on Transportation (Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 18 and 19
insert:

Section 2. Governor Mixson Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.R. 73 between the Calhoun County Line and U.S. 231 in Jackson County is designated as "Governor Mixson Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Governor Mixson Highway as described in subsection (1).



808800

13 Section 3. Warren E. "Charlie" Brown Memorial Highway
14 designated; Department of Transportation to erect suitable
15 markers.-

16 (1) That portion of U.S. 98/S.R. 30 between Rosewood Drive
17 and Sunrise Drive in Santa Rosa County is designated as "Warren
18 E."Charlie" Brown Memorial Highway."

19 Section 4. RADM LeRoy Collins, Jr., Veterans Expressway
20 designated; Department of Transportation to erect suitable
21 markers.-

22 (1) That portion of S.R. 589 and S.R. 568/Veterans
23 Expressway between S.R. 60/Courtney Campbell Causeway and S.R.
24 597/Dale Mabry Highway in Hillsborough County is designated as
25 "RADM LeRoy Collins, Jr., Veterans Expressway."

26 (2) The Department of Transportation is directed to erect
27 suitable markers designating RADM LeRoy Collins, Jr., Veterans
28 Expressway as described in subsection (1).

29 Section 5. Trooper James Herbert Fulford, Jr., Memorial
30 Highway designated; Department of Transportation to erect
31 suitable markers.-

32 (1) That portion of I-10/S.R. 8 between mile post 232 and
33 mile post 233 in Jefferson County is designated as "Trooper
34 James Herbert Fulford, Jr., Memorial Highway."

35 (2) The Department of Transportation is directed to erect
36 suitable markers designating Trooper James Herbert Fulford, Jr.,
37 Memorial Highway as described in subsection (1).

38 Section 6. SP4 Billy Jacob Hartsfield Bridge designated;
39 Department of Transportation to erect suitable markers.-

40 (1) Bridge number 380047 on U.S. 98/S.R. 30 over the
41 Aucilla River in Taylor County is designated as "SP4 Billy Jacob



808800

42 Hartsfield Bridge."

43 (2) The Department of Transportation is directed to erect
44 suitable markers designating SP4 Billy Jacob Hartsfield Bridge
45 as described in subsection (1).

46 Section 7. Julia Munroe Woodward Highway designated;
47 Department of Transportation to erect suitable markers.-

48 (1) Upon completion of construction, S.R. 269 between
49 U.S.90/S.R. 10 and S.R. 12 in Gadsden County is designated as
50 "Julia Munroe Woodward Highway."

51 (2) The Department of Transportation is directed to erect
52 suitable markers designating Julia Munroe Woodward Highway as
53 described in subsection (1).

54 Section 8. Walter Francis Spence Parkway designated;
55 Department of Transportation to erect suitable markers.-

56 (1) That portion of S.R. 293 between the Mid-Bay Bridge
57 Toll Plaza and S.R. 85 in Okaloosa County is designated as
58 "Walter Francis Spence Parkway."

59 (2) The Department of Transportation is directed to erect
60 suitable markers designating Walter Francis Spence Parkway as
61 described in subsection (1).

62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 3 - 4

65 and insert:

66 designations; providing honorary designations of
67 various transportation facilities in specified
68 counties;

69



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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/03/2013 | . | |
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The Committee on Transportation (Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 18 and 19
insert:

Section 2. Reverend John A. Ferguson Street designated;
Department of Transportation to erect suitable markers.-

(1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef
Drive from S.R. 821/Homestead Extension of the Florida Turnpike
to S.W. 99th Court in Miami-Dade County is designated as
"Reverend John A. Ferguson Street."

(2) The Department of Transportation is directed to erect
suitable markers designating Reverend John A. Ferguson Street as



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13 described in subsection (1).

14 Section 3. David G. Ledgerwood Memorial Highway designated;
15 Department of Transportation to erect suitable markers.-

16 (1) That portion of S.R. 415 between Acorn Lake Road and
17 Reed Ellis Road in Volusia County is designated as "David G.
18 Ledgerwood Memorial Highway."

19 (2) The Department of Transportation is directed to erect
20 suitable markers designating David G. Ledgerwood Memorial
21 Highway as described in subsection (1).

22 Section 4. Lieutenant Colonel Carl John Luksic, USAF,
23 Memorial Highway designated; Department of Transportation to
24 erect suitable markers.-

25 (1) That portion of U.S. 98/S.R.30A/Tyndall Parkway between
26 County Road 2327/Transmitter Road and S.R. 22 in Bay County is
27 designated as "Lieutenant Colonel Carl John Luksic, USAF,
28 Memorial Highway" as described in subsection (1).

29 (2) The Department of Transportation is directed to erect
30 suitable markers designating Lieutenant Colonel Carl John
31 Luksic, USAF, Memorial Highway as described in subsection (1).

32 Section 5. C. Blythe Andrews Road designated; Department of
33 Transportation to erect suitable markers.-

34 (1) That portion of 21st Avenue between 26th Street and
35 S.R. 585/22nd Street in Hillsborough County is designated as "C.
36 Blythe Andrews Road."

37 (2) The Department of Transportation is directed to erect
38 suitable markers designating C. Blythe Andrews Road as described
39 in subsection (1).

40 Section 6. Roland Manteiga Road designated; Department of
41 Transportation to erect suitable markers.-



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42 (1) That portion of Palm Avenue between 15th Street and
43 S.R. 45/Nebraska Avenue in Hillsborough County is designated as
44 "Roland Manteiga Road."

45 (2) The Department of Transportation is directed to erect
46 suitable markers designating Roland Manteiga Road as described
47 in subsection (1).

48 Section 7. Sergeant Carl Mertes Street designated;
49 Department of Transportation to erect suitable markers.-

50 (1) That portion of S.R. 922/125th Street between N.E. 8th
51 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
52 "Sergeant Carl Mertes Street."

53 (2) The Department of Transportation is directed to erect
54 suitable markers designating Sergeant Carl Mertes Street as
55 described in subsection (1).

56 Section 8. Detective Sergeant Steven E. Bauer Street
57 designated; Department of Transportation to erect suitable
58 markers.-

59 (1) That portion of N.E. 126th Street between N.E. 8th
60 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
61 "Detective Sergeant Steven E. Bauer Street."

62 (2) The Department of Transportation is directed to erect
63 suitable markers designating Detective Sergeant Steven E. Bauer
64 Street as described in subsection (1).

65 Section 9. Sergeant Lynette Hodge Street designated;
66 Department of Transportation to erect suitable markers.-

67 (1) That portion of N.E. 127th Street between N.E. 8th
68 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
69 "Sergeant Lynette Hodge Street."

70 (2) The Department of Transportation is directed to erect



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71 suitable markers designating Sergeant Lynette Hodge Street as
72 described in subsection (1).

73 Section 10. Full Gospel Assembly Street designated;
74 Department of Transportation to erect suitable markers.-

75 (1) That portion of N.W. 40th Street between N.W. 2nd
76 Avenue and N.W. 5th Avenue in Miami-Dade County is designated as
77 "Full Gospel Assembly Street."

78 (2) The Department of Transportation is directed to erect
79 suitable markers designating Full Gospel Assembly Street as
80 described in subsection (1).

81 Section 11. Ebenezer Christian Academy Street designated;
82 Department of Transportation to erect suitable markers.-

83 (1) That portion of N.W. 39th Street between N.W. 2nd
84 Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as
85 "Ebenezer Christian Academy Street."

86 (2) The Department of Transportation is directed to erect
87 suitable markers designating Ebenezer Christian Academy Street
88 as described in subsection (1).

89 Section 12. Bishop Abe Randall Boulevard designated;
90 Department of Transportation to erect suitable markers.-

91 (1) That portion of N.W. 67th Street between N.W. 2nd
92 Avenue and N.W. 4th Avenue in Miami-Dade County is designated as
93 "Bishop Abe Randall Boulevard."

94 (2) The Department of Transportation is directed to erect
95 suitable markers designating Bishop Abe Randall Boulevard as
96 described in subsection (1).

97 Section 13. Jacob Fleishman Street designated; Department
98 of Transportation to erect suitable markers.-

99 (1) That portion of S.R. 934/N.W. 81st Street between U.S.



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100 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade
101 County is designated as "Jacob Fleishman Street."

102 (2) The Department of Transportation is directed to erect
103 suitable markers designating Jacob Fleishman Street as described
104 in subsection (1).

105 Section 14. Bishop Isaiah S. Williams, Jr., Street
106 designated; Department of Transportation to erect suitable
107 markers.-

108 (1) That portion of S.R. 860/Miami Gardens Drive/N.W. 183rd
109 Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in
110 Miami-Dade County is designated as "Bishop Isaiah S. Williams,
111 Jr., Street."

112 (2) The Department of Transportation is directed to erect
113 suitable markers designating Bishop Isaiah S. Williams, Jr.,
114 Street as described in subsection (1).

115 Section 15. Reverend Wilner Maxi Street designated;
116 Department of Transportation to erect suitable markers.-

117 (1) That portion of N.E. 73rd Street between N.E. 2nd
118 Avenue and N.E. 3rd Court in Miami-Dade County is designated as
119 "Reverend Wilner Maxi Street."

120 (2) The Department of Transportation is directed to erect
121 suitable markers designating Reverend Wilner Maxi Street as
122 described in subsection (1).

123 Section 16. James Harold Thompson Highway designated;
124 Department of Transportation to erect suitable markers.-

125 (1) That portion of U.S. 90/S.R. 10 between Gretna and
126 Chattahoochee in Gadsden County is designated as "James Harold
127 Thompson Highway."

128 (2) The Department of Transportation is directed to erect



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129 suitable markers designating James Harold Thompson Highway as
130 described in subsection (1).

131 Section 17. Juan Armando Torga, Jr., Intersection
132 designated; Department of Transportation to erect suitable
133 markers.-

134 (1) The intersection of S.W. 4th Street and S.R. 985/S.W.
135 107th Avenue in Miami-Dade County is designated as "Juan Armando
136 Torga, Jr., Intersection."

137 (2) The Department of Transportation is directed to erect
138 suitable markers designating Juan Armando Torga, Jr.,
139 Intersection as described in subsection (1).

140 Section 18. Belen Jesuit Preparatory School Intersection
141 designated; Department of Transportation to erect suitable
142 markers.-

143 (1) The intersection of S.W. 127th Avenue and U.S. 41/S.R.
144 90/Tamiami Trail/S.W. 8th Street in Miami-Dade County is
145 designated as "Belen Jesuit Preparatory School Intersection."

146 (2) The Department of Transportation is directed to erect
147 suitable markers designating Belen Jesuit Preparatory School
148 Intersection as described in subsection (1).

149 Section 19. Dr. Martin Luther King, Jr., Avenue designated;
150 Department of Transportation to erect suitable markers.-

151 (1) That portion of U.S. 90/S.R. 10 between N. 5th Street
152 and N. Norwood Road in Walton County is designated as "Dr.
153 Martin Luther King, Jr., Avenue."

154 (2) The Department of Transportation is directed to erect
155 suitable markers designating Dr. Martin Luther King, Jr.,
156 Avenue."

157 Section 20. Ponce de Leon Bridge designated; Department of



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158 Transportation to erect suitable markers.-

159 (1) Bridge number 780075 on U.S. 1/S.R. 5/Ponce de Leon
160 Boulevard over the San Sebastian River in St. Johns County is
161 designated as "Ponce de Leon Bridge."

162 (2) The Department of Transportation is directed to erect
163 suitable markers designating Ponce de Leon Bridge as described
164 in subsection (1).

165

166 ===== T I T L E A M E N D M E N T =====

167 And the title is amended as follows:

168 Delete lines 3 - 4

169 and insert:

170 designations; providing honorary designations of
171 various transportation facilities in specified
172 counties;



731776

LEGISLATIVE ACTION

| | | |
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| Senate | . | House |
| Comm: RCS | . | |
| 04/03/2013 | . | |
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment

Between lines 18 and 19
insert:

Section 2. Robert L. Clark Memorial Highway designated;
Department of Transportation to erect suitable markers.-

(1) That portion of US 1/State Road 5/NE 6th Avenue between
Ponce de Leon Drive and SR 84/SE 24th Street in Broward County
is designated as "Robert L. Clark Memorial Highway."

(2) The Department of Transportation is directed to erect
suitable markers designating Robert L. Clark Memorial Highway as
described in subsection (1).

By Senator Detert

28-00314B-13

2013300__

1 A bill to be entitled
2 An act relating to transportation facility
3 designations; providing an honorary designation of a
4 certain transportation facility in a specified county;
5 directing the Department of Transportation to erect
6 suitable markers; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. KMI Kentucky Military Institute Bridge
11 designated; Department of Transportation to erect suitable
12 markers.-

13 (1) Bascule bridges Numbers 170169 and 170170 on U.S.
14 Business 41/SR 45/Tamiami Trail in Sarasota County are
15 designated as "KMI Kentucky Military Institute Bridge."

16 (2) The Department of Transportation is directed to erect
17 suitable markers designating KMI Kentucky Military Institute
18 Bridge as described in subsection (1).

19 Section 2. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/CS/SB 972

INTRODUCER: Community Affairs Committee, Transportation Committee, and Senator Hukill

SUBJECT: Transportation Development

DATE: April 3, 2013 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|--------|
| 1. | Anderson | Yeatman | CA | Fav/CS |
| 2. | Price | Eichin | TR | Fav/CS |
| 3. | | | RC | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 972 makes a number of changes to the transportation concurrency requirements. The bill provides that a local government may accept contributions from multiple applicants for a planned improvement if it maintains such contributions in a separate account designated for that purpose. The bill provides that an alternative mobility funding system may not be used to deny approvals if the developer agrees to pay for the development's identified transportation impacts using the funding mechanism implemented by the local government. The bill also requires a mobility-fee-based funding system to comply with the dual rational nexus test applicable to impact fees.

The bill allows a transportation development authority to undertake transportation projects within and outside of the designated deficiency area to relieve deficiencies identified by the transportation deficiency plan. The bill stipulates that mass transit improvements and services may extend outside a deficiency area to an existing or planned logical terminus of a selected improvement. Finally, the bill subjects transit-oriented developments exceeding 25 acres in area to certain election requirements.

This bill amends the following sections of the Florida Statutes: 163.3180, 163.3182, and 190.006.

II. Present Situation:

Transportation Concurrency

Transportation concurrency is a growth management strategy aimed at ensuring that transportation facilities and services are available concurrent with the impacts of development. To carry out concurrency, local governments must define what constitutes an adequate Level of Service (LOS) for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period. If adequate capacity is not available, then the developer must provide the necessary improvements, provide monetary contribution toward the improvements, or wait until government provides the necessary improvements.¹

Level of Service

Level of service is a technical measure of the quality of service provided by a roadway. LOS is graded on an A through F scale based on the average arterial speed of a roadway. An uncongested roadway with a high average arterial speed will receive an A, while a congested roadway with a low average arterial speed will receive an F.² Local governments, in conjunction with the Florida Department of Transportation (FDOT), are responsible for setting LOS standards for roadways.³

Proportionate Share

Proportionate share is the amount of money a developer must contribute to mitigate the transportation impacts of a new development. Proportionate share contributions are triggered when a new development will cause a decrease in the LOS grade below a set standard. When a proportionate share contribution is triggered, a developer must, at minimum, contribute money toward one or several mobility improvements. However, developers are only required to contribute toward deficiencies they create, and are not required to correct existing deficiencies.⁴

Transportation Concurrency in Florida

Florida adopted the concept of transportation concurrency with the passage of the 1985 Growth Management Act. Since adoption, the legislature has frequently revisited the concept of transportation concurrency, most recently making substantial changes to s. 163.3180, F.S., in 2005, 2007, 2009 and 2011.⁵

¹ Fla. Dep't of Comty. Affairs, *Transportation Concurrency: Best Practices Guide*, pg. 5 (2007), retrieved from www.cutr.usf.edu/pdf/DCA_TCBP%20Guide.pdf (last visited March 18, 2013).

² *Id.* at 53.

³ Section 163.3180(5)(b), F.S.

⁴ Section 163.3180(5)(h), F.S.

⁵ See L.O.F. s. 5, ch. 2005-290 (Providing requirements for proportionate share mitigation), s. 11, ch. 2007-196 (Authorizing study on multimodal districts, providing for concurrency backlog and satisfaction of concurrency requirements), s. 3, ch. 2007-204 (provides exception from concurrency for airports and urban service area, revises transportation concurrency

Transportation concurrency in urban areas is often more costly and functionally difficult than in non-urban areas.⁶ As a result, transportation concurrency can result in urban sprawl and the discouragement of development in urban areas, in direct conflict with the general goals and policies of part II, ch. 163, F.S. Also, transportation concurrency can prevent the implementation of viable forms of alternative transit.⁷

Additionally, the frequent changes to transportation concurrency requirements have affected local governments in different ways. In some cases, the changes have provided more flexibility, less state oversight and created more planning tools for local governments, but in other cases, the changes created solutions that were inflexible and unworkable for all but a few local governments, with many local governments having difficulty implementing a transportation concurrency system or local governments implementing highly inconsistent policies.⁸ Recent legislative changes to transportation concurrency have sought to address these problems. In 2011, the Legislature passed the Community Planning Act, which made comprehensive changes to growth management regulation in Florida. As part of the act, the Legislature overhauled transportation concurrency and made it optional for local governments.⁹ The act also gave local governments the option of adopting alternative mobility funding systems.¹⁰

Local governments choosing to implement transportation concurrency must still follow established guidelines related to LOS standards and proportionate share contributions.¹¹ Specifically, local governments that implement transportation concurrency must:

- consult with FDOT when proposed plan amendments affect facilities on the strategic intermodal system;
- exempt certain public transit facilities from concurrency;
- allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:
 - the applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements;

exceptions for multiuse DRIs, revises proportionate share, provides requirements for proportionate share mitigation and fair-share), s. 5, ch. 2009-85 (provides definition for backlog, provides legislative findings and declarations on backlog, adds provisions on debt incurred from transportation concurrency backlog projects, requires funding of backlog trust funds), s. 4, ch. 2009-96 (revises concurrency requirements, deletes requirements for concurrency exception areas, requires OPPAGA to submit report to legislature concerning the effects of transportation exception areas, revises requirements for impact fees), s. 4, ch. 2011-14 (reenacts s. 163.3180(5), (10), (13)(b) and (e), relating to concurrency requirements for transportation facilities), s. 15, ch. 2011-139 (revises and provides provisions related to concurrency, revises application and findings, revises local government requirements, provides for urban infill, redevelopment, downtown revitalization, provides for DRIs, revises provisions relating to transportation deficiency plans).

⁶ *Transportation Concurrency: Best Practices Guide* at 11.

⁷ *Id.* at 10.

⁸ *Id.* at 10-12.

⁹ L.O.F. s. 15, ch. 2011-139, "The 2011 Community Planning Act."

¹⁰ *Id.*

¹¹ Section 163.3180(5)(h), F.S.

- the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility;
- the local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development.

However, local governments that implement alternative mobility funding systems similar to concurrency, but not under the auspices of s. 163.3180, F.S., are not required to follow the LOS and proportionate share guidelines established by s. 163.3180, F.S.

Dual Rational Nexus Test

The Florida Supreme Court recognized in 1976 that new development may be required to pay its “fair share” of additional regulatory costs created by the new development, but that new development charges could constitute illegal taxes if the charges “...bore no relationship to (and were greatly in excess of) the costs of the regulation which was supposed to justify their collection.”¹² Subsequent to the court’s opinion, a two-pronged test has emerged that all local governments in Florida must satisfy to lawfully impose an impact fee or new development fee.

Known as the dual rational nexus test, a local government must show a rational nexus between proposed development and the need for additional capital facilities for which the fee is imposed, and a rational nexus between the improvement or expenditure of funds collected and the benefits accruing to the subject property.¹³ Florida case law, taken together, provides the following with respect to meeting the dual rational nexus text:

- “The local government must be able to justify the fees or exactions by showing that the new development will create more than a possible or incidental need for increased capacity of any public facilities that serve the new development.
- The local government must demonstrate that the new development will actually receive more than an incidental benefit from the expenditure of the impact fees or dedication of property.
- The developer cannot be required to pay impact fees or dedicate property that exceed a pro rata share of the burden imposed on those public facilities.
- In the case of impact fees, the fees must be earmarked to fund expansion of capital facilities that serve the area in which the new development is located.
- The impact fees must be used to provide only the additional capacity required by the new development and not any existing deficiencies.
- The impact fees must not be used to benefit other residents by financing capital growth that is bound to occur with or without the proposed development.
- The impact fees must be spent within a defined, reasonably short amount of time or returned to the payer of the fee.
- The local government’s showing of a rational nexus between the proposed development and the community’s need for increased capacity of public services, or between the expenditure

¹² *Contractors and Builders Association of Pinellas County, et al. v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976).

¹³ The Florida Bar Journal, *An Analysis of Affordable/Work-force Housing Initiatives and Their Legality in the State of Florida, Part II*, Marshall, Michael J. and Rothenberg, Mark A, Volume 82, No. 7, July/August (citations omitted).

of the impact fees and the benefit accrued to the new development, may be refuted by the developer with additional evidence or an alternate study.”¹⁴

Transportation Development Authorities

A county or municipality may create a transportation development authority (TDA)¹⁵ if it has an identified transportation deficiency; *i.e.*, an identified need where the existing and projected extent of traffic volume exceeds the level of service standards adopted in a local government comprehensive plan for a transportation facility.¹⁶ Each (TDA) shall adopt a transportation sufficiency plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must identify all transportation facilities that have been designated as deficient and establish a schedule for financing and construction of transportation projects that will eliminate transportation deficiencies within the jurisdiction of the TDA within 10 years after the transportation sufficiency plan adoption. The plan must include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy requirements pursuant to s. 163.3180, F.S., and the applicable local government comprehensive plan. Currently authorized TDA transportation projects, designed to relieve transportation deficiencies within a TDA’s jurisdiction, may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a deficient transportation facility.

Transit Oriented Development (TOD)

Transit-Oriented Developments are compact, moderate to high intensity and density, mixed use areas within one half mile of a transit stop or station that is designed to maximize bicycle and walking trips and access to transit.¹⁷ They also are characterized by streetscapes and an urban form oriented to bicyclists and pedestrians to promote bicycling and walking trips to transit stations and varied other uses within station areas. One quarter-mile and one-half mile distances represent a 5 to 10 minute walk time, which is the amount of time most people are willing to walk to a destination. The most intense and dense development is typically located within the one quarter mile radius (transit core). Developments’ intensities and densities gradually decrease out to the one-half mile radius (transit neighborhood) and the one mile radius (transit supportive area). FDOT has been developing transit oriented development design guidelines to provide general parameters and strategies to local governments and agencies to promote and implement transitready development patterns.¹⁸

¹⁴ *Id.* (citations omitted).

¹⁵ Creation of TDAs is authorized to address a “transportation deficiency area,” the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan.

¹⁶ Section 163.3182(1)(d), F.S.

¹⁷ Section 163.3164(46), F.S.

¹⁸ Florida Dept of Transportation, *A Framework for Transit Oriented Development in Florida*, available at http://www.fltdod.com/renaissance/docs/Products/FrameworkTOD_0715.pdf (March 2011).

Community Development Districts (CDDs)

Community Development Districts are independent, special-purpose units of government established to finance basic services within a development, including infrastructure construction, services, and maintenance. Common infrastructure improvements provided by CDDs include drainage, potable water, sewerage, roads, and parks.¹⁹ Developers seek CDD approval to obtain low-cost financing by issuing tax-exempt bonds, with lower interest rates. CDDs also have the power to collect fees, levy lienable assessments, or ad valorem taxes against properties within the project for repayment. CDDs are required to have a five-member board of supervisors, elected by the landowners.²⁰

If the board of supervisors proposes to exercise the ad valorem taxing power authorized by s. 190.021, F.S., the district board shall call an election at which the members of the board of supervisors will be elected by the qualified electors of the district.²¹ Regardless of whether a district has proposed to levy ad valorem taxes, commencing 6 years after the initial appointment of members or, for a district exceeding 5,000 acres in area or for a compact, urban, mixed-use district, 10 years after the initial appointment of members, the position of each member whose term has expired shall be filled by a qualified elector of the district, elected by the qualified electors of the district.²²

If, in the 6th year after the initial appointment of members, or 10 years after such initial appointment for districts exceeding 5,000 acres in area or for a compact, urban, mixed-use district, there are not at least 250 qualified electors in the district, or for a district exceeding 5,000 acres or for a compact, urban, mixed-use district, there are not at least 500 qualified electors, members of the board of supervisors shall continue to be elected by landowners.²³

III. Effect of Proposed Changes:

Section 1 amends s. 163.3180, F.S., to revise the established guidelines related to LOS standards and proportionate share contributions that local governments choosing to implement transportation concurrency must follow. The bill provides that local governments continuing to implement a transportation concurrency system, *whether in the form adopted into the comprehensive plan before July 1, 2011, or as subsequently modified*, must allow an applicant for a development agreement (in addition to a DRI impact development order, a rezoning, or other land use development permit) to satisfy transportation concurrency requirements if the applicant *in good faith offers to enter*, rather than *enters*, into a binding agreement to pay for or construct its proportionate share of required improvements *in a manner consistent with subsection (5)*.

Additionally, with respect to the requirement that the proportionate-share contribution or construction must be sufficient to accomplish one or more mobility improvements, the bill

¹⁹ Sections 190.002 and 190.012, F.S.

²⁰ Section 190.006(1) and (2), F.S.

²¹ Section 190.006(3)(a)1, F.S.

²² Section 190.006(3)(a)2a, F.S.

²³ *Id.*

allows a local government to accept contributions from multiple applicants for a planned improvement if it maintains such contributions in a separate account designated for that purpose. Also, the local government must provide the basis upon which landowners will be assessed a proportionate share of the cost of addressing the transportation impacts resulting from a proposed development, rather than the means by which a landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. The bill makes a technical change to current law to clarify that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

If a local government elects to repeal transportation concurrency, the bill encourages it to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in s. 163.3180(5)(f), F.S. An alternative mobility funding system may not be used to deny, time, or phase an application for site plan, plat approval, final subdivision approval, building permit, or the functional equivalent of such approvals if the developer agrees to pay for the development's identified transportation impacts using the funding mechanism implemented by the local government. The bill states that the revenue from the funding mechanism adopted in the alternative system must be used to implement the needs of the local government's plan which serve as the basis for the fee imposed. A mobility-fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility-fee-based may not be applied in a manner that imposes upon new development any responsibility for funding existing transportation deficiencies as that term is defined in s. 163.3180(5)(h), F.S.

Section 2 amends s. 163.3182, F.S., relating to transportation deficiencies and the powers granted to transportation development authorities to address deficiencies within the authority's jurisdiction. Specifically, the bill allows a transportation development authority to undertake transportation projects within and outside of the designated deficiency area to relieve deficiencies identified by the transportation deficiency plan. The bill also stipulates that mass transit improvements and services may extend outside a deficiency area to an existing or planned logical terminus of a selected improvement.

Section 3 amends s. 190.006, F.S., relating to the board of supervisors for community development districts. The bill amends this section to provide that transit-oriented developments (as defined in s. 163.3164, F.S.) exceeding 25 acres in area are subject to the specified election requirements.

Section 4 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may reduce required contributions from developers for new developments in certain local government jurisdictions and could reduce delays for developer projects. Pooling contributions from multiple developments by a local government may result in needed transportation improvements.

C. Government Sector Impact:

This bill may limit the flexibility of local governments to develop alternative means to transportation concurrency.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Transportation on April 2, 2013:

The CS makes a technical change to current law to clarify that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval.

CS by Community Affairs on March 20, 2013:

The CS makes technical and clarifying changes to the language of the bill regarding alternative mobility funding systems. The CS provides requirements and limitations for a mobility-fee-based funding system.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/03/2013 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Transportation (Lee) recommended the following:

Senate Amendment

Delete lines 126 - 129
and insert:
approve a development that, for reasons other than
transportation impacts, is not ~~otherwise~~ qualified for approval
pursuant to the applicable local comprehensive plan and land
development regulations.

By the Committee on Community Affairs; and Senator Hukill

578-02815-13

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A bill to be entitled

An act relating to transportation development; amending s. 163.3180, F.S.; providing that local governments that implement transportation concurrency must allow an applicant for a development agreement to satisfy transportation concurrency requirements if certain criteria are met, and must provide the basis upon which landowners will be assessed a proportionate share of the cost of addressing certain transportation impacts; encouraging a local government that repeals transportation concurrency to adopt an alternative mobility funding system that is subject to certain requirements; amending s. 163.3182, F.S.; expanding the types of transportation projects that a transportation development authority may undertake or carry out; amending s. 190.006, F.S.; modifying the method for filling positions within the board of supervisors; providing an effective date.

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

Section 1. Paragraph (h) of subsection (5) of section 163.3180, Florida Statutes, is amended, and paragraph (i) is added to that subsection, to read:

163.3180 Concurrency.—

(5)

(h) 1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before July 1, 2011, or as

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subsequently modified, must:

a.1- Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

b.2- Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph ~~subparagraph~~, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph ~~subparagraph~~, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

c.3- Allow an applicant for a development-of-regional-impact development order, development agreement, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

(I) a- The applicant in good faith offers to enter ~~enters~~ into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection.

(II) b- The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation

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59 facility. A local government may accept contributions from
 60 multiple applicants for a planned improvement if it maintains
 61 contributions in a separate account designated for that purpose.

62 ~~d.e.(I) Provide the basis upon which The local government~~
 63 ~~has provided a means by which the landowners landowner~~ will be
 64 assessed a proportionate share of the cost of addressing the
 65 transportation impacts resulting from a providing the
 66 ~~transportation facilities necessary to serve the proposed~~
 67 development.

68 2. An applicant may shall not be held responsible for the
 69 additional cost of reducing or eliminating deficiencies.

70 ~~(f)~~ When an applicant contributes or constructs its
 71 proportionate share pursuant to this paragraph ~~subparagraph~~, a
 72 local government may not require payment or construction of
 73 transportation facilities whose costs would be greater than a
 74 development's proportionate share of the improvements necessary
 75 to mitigate the development's impacts.

76 a. (A) The proportionate-share contribution shall be
 77 calculated based upon the number of trips from the proposed
 78 development expected to reach roadways during the peak hour from
 79 the stage or phase being approved, divided by the change in the
 80 peak hour maximum service volume of roadways resulting from
 81 construction of an improvement necessary to maintain or achieve
 82 the adopted level of service, multiplied by the construction
 83 cost, at the time of development payment, of the improvement
 84 necessary to maintain or achieve the adopted level of service.

85 b. (B) In using the proportionate-share formula provided in
 86 this subparagraph, the applicant, in its traffic analysis, shall
 87 identify those roads or facilities that have a transportation

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88 deficiency in accordance with the transportation deficiency as
 89 defined in subparagraph 4 ~~sub-subparagraph e~~. The proportionate-
 90 share formula provided in this subparagraph shall be applied
 91 only to those facilities that are determined to be significantly
 92 impacted by the project traffic under review. If any road is
 93 determined to be transportation deficient without the project
 94 traffic under review, the costs of correcting that deficiency
 95 shall be removed from the project's proportionate-share
 96 calculation and the necessary transportation improvements to
 97 correct that deficiency shall be considered to be in place for
 98 purposes of the proportionate-share calculation. The improvement
 99 necessary to correct the transportation deficiency is the
 100 funding responsibility of the entity that has maintenance
 101 responsibility for the facility. The development's proportionate
 102 share shall be calculated only for the needed transportation
 103 improvements that are greater than the identified deficiency.

104 c. (C) When the provisions of subparagraph 1. and this
 105 subparagraph have been satisfied for a particular stage or phase
 106 of development, all transportation impacts from that stage or
 107 phase for which mitigation was required and provided shall be
 108 deemed fully mitigated in any transportation analysis for a
 109 subsequent stage or phase of development. Trips from a previous
 110 stage or phase that did not result in impacts for which
 111 mitigation was required or provided may be cumulatively analyzed
 112 with trips from a subsequent stage or phase to determine whether
 113 an impact requires mitigation for the subsequent stage or phase.

114 d. (D) In projecting the number of trips to be generated by
 115 the development under review, any trips assigned to a toll-
 116 financed facility shall be eliminated from the analysis.

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117 ~~e. (E)~~ The applicant shall receive a credit on a dollar-for-
 118 dollar basis for impact fees, mobility fees, and other
 119 transportation concurrency mitigation requirements paid or
 120 payable in the future for the project. The credit shall be
 121 reduced up to 20 percent by the percentage share that the
 122 project's traffic represents of the added capacity of the
 123 selected improvement, or by the amount specified by local
 124 ordinance, whichever yields the greater credit.

125 ~~3. d.~~ This subsection does not require a local government to
 126 approve a development that is not ~~otherwise~~ qualified for
 127 approval pursuant to the applicable local comprehensive plan and
 128 land development regulations for reasons other than
 129 transportation impacts.

130 ~~4. e.~~ As used in this subsection, the term "transportation
 131 deficiency" means a facility or facilities on which the adopted
 132 level-of-service standard is exceeded by the existing,
 133 committed, and vested trips, plus additional projected
 134 background trips from any source other than the development
 135 project under review, and trips that are forecast by established
 136 traffic standards, including traffic modeling, consistent with
 137 the University of Florida's Bureau of Economic and Business
 138 Research medium population projections. Additional projected
 139 background trips are to be coincident with the particular stage
 140 or phase of development under review.

141 (i) If a local government elects to repeal transportation
 142 concurrency, it is encouraged to adopt an alternative mobility
 143 funding system that uses one or more of the tools and techniques
 144 identified in paragraph (f). An alternative mobility funding
 145 system may not be used to deny, time, or phase an application

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146 for site plan, plat approval, final subdivision approval,
 147 building permit, or the functional equivalent of such approvals
 148 if the developer agrees to pay for the development's identified
 149 transportation impacts using the funding mechanism implemented
 150 by the local government. The revenue from the funding mechanism
 151 adopted in the alternative system must be used to implement the
 152 needs of the local government's plan which serve as the basis
 153 for the fee imposed. A mobility-fee-based funding system must
 154 comply with the dual rational nexus test applicable to impact
 155 fees. An alternative system that is not mobility-fee-based may
 156 not be applied in a manner that imposes upon new development any
 157 responsibility for funding existing transportation deficiencies
 158 as that term is defined in paragraph (h).

159 Section 2. Paragraph (b) of subsection (3) of section
 160 163.3182, Florida Statutes, is amended to read:

161 163.3182 Transportation deficiencies.—

162 (3) POWERS OF A TRANSPORTATION DEVELOPMENT AUTHORITY.—Each
 163 transportation development authority created pursuant to this
 164 section has the powers necessary or convenient to carry out the
 165 purposes of this section, including the following powers in
 166 addition to others granted in this section:

167 (b) To undertake and carry out transportation projects for
 168 transportation facilities designed to relieve transportation
 169 deficiencies within the authority's jurisdiction. Transportation
 170 projects may include transportation facilities that provide for
 171 alternative modes of travel including sidewalks, bikeways, and
 172 mass transit which are related to a deficient transportation
 173 facility. Transportation projects may also include projects
 174 within and outside the designated deficiency area to relieve

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175 deficiencies identified by the transportation deficiency plan.
 176 Mass transit improvements and service may extend outside a
 177 deficiency area to an existing or planned logical terminus of a
 178 selected improvement.

179 Section 3. Paragraph (a) of subsection (3) of section
 180 190.006, Florida Statutes, is amended to read:

181 190.006 Board of supervisors; members and meetings.-

182 (3) (a) 1. If the board proposes to exercise the ad valorem
 183 taxing power authorized by s. 190.021, the district board shall
 184 call an election at which the members of the board of
 185 supervisors will be elected. Such election shall be held in
 186 conjunction with a primary or general election unless the
 187 district bears the cost of a special election. Each member shall
 188 be elected by the qualified electors of the district for a term
 189 of 4 years, except that, at the first such election, three
 190 members shall be elected for a period of 4 years and two members
 191 shall be elected for a period of 2 years. All elected board
 192 members must be qualified electors of the district.

193 2.a. Regardless of whether a district has proposed to levy
 194 ad valorem taxes, commencing 6 years after the initial
 195 appointment of members or, for a district exceeding 5,000 acres
 196 in area, ~~or~~ for a compact, urban, mixed-use district, or for a
 197 transit-oriented development, as defined in s. 163.3164,
 198 exceeding 25 acres in area, 10 years after the initial
 199 appointment of members, the position of each member whose term
 200 has expired shall be filled by a qualified elector of the
 201 district, elected by the qualified electors of the district.
 202 However, for those districts established after June 21, 1991,
 203 and for those existing districts established after December 31,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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204 1983, which have less than 50 qualified electors on June 21,
 205 1991, sub-subparagraphs b. and d. ~~shall~~ apply. If, in the 6th
 206 year after the initial appointment of members, or 10 years after
 207 such initial appointment for a district ~~districts~~ exceeding
 208 5,000 acres in area, ~~or~~ for a compact, urban, mixed-use
 209 district, or for a transit-oriented development, as defined in
 210 s. 163.3164, exceeding 25 acres in area, there are not at least
 211 250 qualified electors in the district, or for a district
 212 exceeding 5,000 acres, ~~or~~ for a compact, urban, mixed-use
 213 district, or for a transit-oriented development, as defined in
 214 s. 163.3164, exceeding 25 acres in area, there are not at least
 215 500 qualified electors, members of the board shall continue to
 216 be elected by landowners.

217 b. After the 6th or 10th year, once a district reaches 250
 218 or 500 qualified electors, respectively, ~~then~~ the positions of
 219 two board members whose terms are expiring shall be filled by
 220 qualified electors of the district, elected by the qualified
 221 electors of the district for 4-year terms. The remaining board
 222 member whose term is expiring shall be elected for a 4-year term
 223 by the landowners and is not required to be a qualified elector.
 224 Thereafter, as terms expire, board members shall be qualified
 225 electors elected by qualified electors of the district for a
 226 term of 4 years.

227 c. Once a district qualifies to have any of its board
 228 members elected by the qualified electors of the district, the
 229 initial and all subsequent elections by the qualified electors
 230 of the district shall be held at the general election in
 231 November. The board shall adopt a resolution if necessary to
 232 implement this requirement when the board determines the number

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233 of qualified electors as required by sub-subparagraph d., to
234 extend or reduce the terms of current board members.

235 d. On or before June 1 of each year, the board shall
236 determine the number of qualified electors in the district as of
237 the immediately preceding April 15. The board shall use and rely
238 upon the official records maintained by the supervisor of
239 elections and property appraiser or tax collector in each county
240 in making this determination. Such determination shall be made
241 at a properly noticed meeting of the board and shall become a
242 part of the official minutes of the district.

243 Section 4. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/12/13
Meeting Date

Topic Trans. Company Bill Number 972
Name Eric Pulte Amendment Barcode _____ (if applicable)
Job Title Asst. Legis Dir
Address 100 Monroe St. Phone 922 9300
City _____ State _____ Zip _____ E-mail _____

Speaking: For Against Information

Representing Florida Assoc. Counties

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13

Meeting Date

Topic ~~Government~~ TRANSPORTATION

Bill Number 972
(if applicable)

Name Terry Lewis

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address 515 N. FLAGLER
Street

Phone 561-640-0820

WPB _____
City State Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/13
Meeting Date

Topic TRANSPORTATION DEVELOPMENT

Bill Number 972 as amended
(if applicable)

Name CHARLES PATTISON

Amendment Barcode _____
(if applicable)

Job Title PRESIDENT

Address 308 N. MONROE
Street
TALLAHASSEE 32301
City State Zip

Phone (850) 222-6277

E-mail cpattison@1000fof

Speaking: For Against Information

Representing 1000 ~~FRIENDS~~ FRIENDS of FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2
Meeting Date

Topic Transportation Development

Bill Number 972
(if applicable)

Name Nancy Linnan

Amendment Barcode _____
(if applicable)

Job Title Carlen Friends

Address 507 E. Cal St.
Street

Phone (850) 212-7631

Tallahassee FL 32301
City State Zip

E-mail nlinnan@carlenfriends.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1480
 INTRODUCER: Senator Latvala
 SUBJECT: Interlocal Agreements
 DATE: March 28, 2013 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Everette | Eichin | TR | Favorable |
| 2. | _____ | _____ | CA | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

In 2012, HB 599 required the Pinellas Suncoast Transit Authority (PSTA) and Hillsborough Area Regional Transit Authority (HART) to conduct a joint review to consider and identify opportunities for greater efficiencies and service improvements, and to provide a joint report to the legislature regarding results of the review.

The bill modifies the definition of “public agency” as used in the Florida Interlocal Cooperation Act to provide that a public agency includes a public transit provider.

This bill amends section 163.01, F.S.

II. Present Situation:

Pinellas Suncoast Transit Authority (PSTA)

The Pinellas Suncoast Transit Authority, formerly known as Central Pinellas Transit Authority (CPTA), was created by the "Pinellas Suncoast Transit Authority Law"¹ by special act of the Legislature in 1970. Service began in 1973. In 1982 the Central Pinellas Transit Authority was renamed Pinellas Suncoast Transit Authority (PSTA) to more clearly describe the area served. In 1984 PSTA expanded the service area by merging with the St. Petersburg Municipal Transit System. PSTA serves most of the unincorporated area and 21 of the county's 24 municipalities, covering 98 percent of the county's population and 97 percent of its land area. The service area is specifically defined in law.

¹ Chapters 70-907, 82-368, 82-416, 90-449, 91-338, 94-433, 94-438, 99-440, 00-424, and 02-341, L.O.F.

Hillsborough Area Regional Transit Authority (HART)

The Hillsborough Transit Authority, operating and also known as Hillsborough Area Regional Transit Authority, or HART, was created as a body politic and corporate under Chapter 163, Part V, Sections 163.567, et seq., Florida Statutes, on October 3, 1979.^{2,3} HART was chartered for the purpose of providing mass transit service to its two charter members, the City of Tampa and the unincorporated areas of Hillsborough County. The Authority may admit to membership any county or municipality contiguous to one of its members upon application and after approval by a majority vote of the entire Board of Directors. The City of Temple Terrace has been admitted as a member of the Authority.

In 2012, the Legislature passed HB 599⁴ providing legislative intent to encourage and facilitate a review by PSTA and HART in order to search for possible improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA) Regional Transportation Master Plan.⁵ The Legislature found that improvements and efficiencies can best be achieved through a joint review, evaluation, and recommendations by PSTA and HART.

HB 599 required the governing bodies or a designated subcommittee of both PSTA and HART to hold joint meetings in order to consider and identify opportunities for greater efficiency and service improvements, including specific methods for increasing service connectivity between jurisdictions of each agency. The elements to be reviewed must also include:

- governance structure, including governing board membership, terms, responsibilities, officers, powers, duties, and responsibilities;
- funding options and implementation;
- facilities ownership and management;
- current financial obligations and resources; and
- actions to be taken that are consistent with TBARTA's master plan.

The bill required PSTA and HART jointly submit a report to the Speaker of the House of Representatives and the President of the Senate by February 1, 2013, on the elements described above. The report was required to include proposed legislation to implement each recommendation and specific recommendations concerning the reorganization of each agency,

² Sections 163.565 – 163.572, F.S., the Regional Transportation Authority Law, authorize the creation of regional transportation authorities by any two or more contiguous counties, cities or other political subdivisions. This law was created in the early 1970's to create the HART (Hillsborough Area Regional Transit) line transit agency in Hillsborough County and has not been used to create any other agency. The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed the Governor must appoint two members to the board of directors of the transportation authority. The remaining membership of the board of directors is made up of representatives of the local governments. The authority is authorized to incur debt, levy taxes (up to 3 mills ad valorem tax, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

³ This should not be confused with the statutory language in ch. 343, F.S., which creates other regional transportation authorities including TBARTA.

⁴ Ch 2012-174, L.O.F.

⁵ A copy of TBARTA's Master Plan is available at <http://www.tbarta.com/update> (Last visited March 28, 2013).

the organizational merger of both agencies, or the consolidation of functions within and between each agency. The report was submitted on or about January 28, 2013.

One of the scenarios presented in the report was the establishment of a joint powers agency.⁶ Attached to the report, required by HB 599, was a legal opinion from the General Counsels of PSTA and HART discussing legal issues arising out of the consolidation study. One conclusion of the memorandum was transit authorities do not have the statutory authority to enter into joint power agreements.⁷

Florida Interlocal Cooperation Act

The Florida Interlocal Cooperation Act⁸ authorizes public agencies “of this state to exercise jointly with public agency of the state, of any other state or the United States government any power, privilege or authority which such agencies share in common and which might each exercise separately.”⁹ The joint exercise of power is to be made by contract in the form of an interlocal agreement. Pursuant to the statute, the agreements may address numerous terms and conditions including the agreement’s purpose and duration, personnel and financial issues, purchasing and contracting powers, accountability measures, and dispute resolution processes.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 163.01(3)(b), F.S. modifying the definition of “public agency” as used in the Florida Interlocal Cooperation Act to provide that a public agency includes a public transit provider. This will allow public transit providers, such as PSTA and HART, to enter into interlocal agreements.

The bill has an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

⁶ PSTA/HART Consolidation Study, Copy on file with the Transportation Committee.

⁷ November 16, 2012, Report of General Counsels regarding Legal Issues Arising out of Consolidation Study. Copy on file with the Transportation Committee.

⁸ S. 163.01, F.S.

⁹ S. 163.01(4), F.S.

¹⁰ S. 163.01(5), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

After entering into interlocal agreements, public transit providers may see a reduction in expenditures due to efficiencies or service improvements. However, any reduction would depend upon the specific interlocal agreement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Latvala

20-00566B-13

20131480__

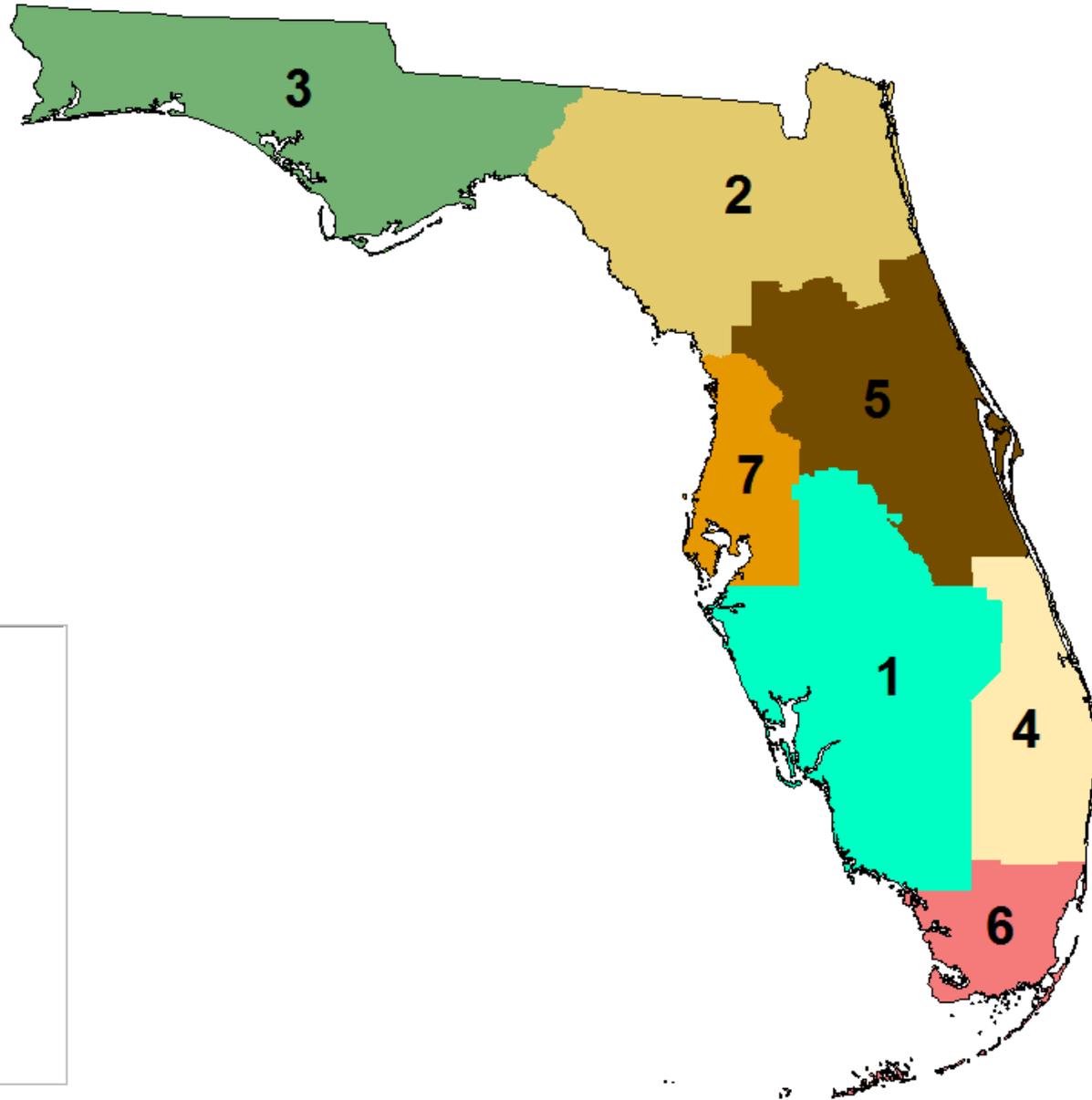
1 A bill to be entitled
2 An act relating to interlocal agreements; amending s.
3 163.01, F.S.; modifying the definition of "public
4 agency" to include a public transit provider;
5 providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Paragraph (b) of subsection (3) of section
10 163.01, Florida Statutes, is amended to read:
11 163.01 Florida Interlocal Cooperation Act of 1969.-
12 (3) As used in this section:
13 (b) "Public agency" means a political subdivision, agency,
14 or officer of this state or of any state of the United States,
15 including, but not limited to, state government, county, city,
16 school district, single and multipurpose special district,
17 single and multipurpose public authority, metropolitan or
18 consolidated government, a separate legal entity or
19 administrative entity created under subsection (7), a public
20 transit provider, an independently elected county officer, any
21 agency of the United States Government, a federally recognized
22 Native American tribe, and any similar entity of any other state
23 of the United States.
24 Section 2. This act shall take effect July 1, 2013.

Regional Governance



March 29, 2013

FDOT Districts



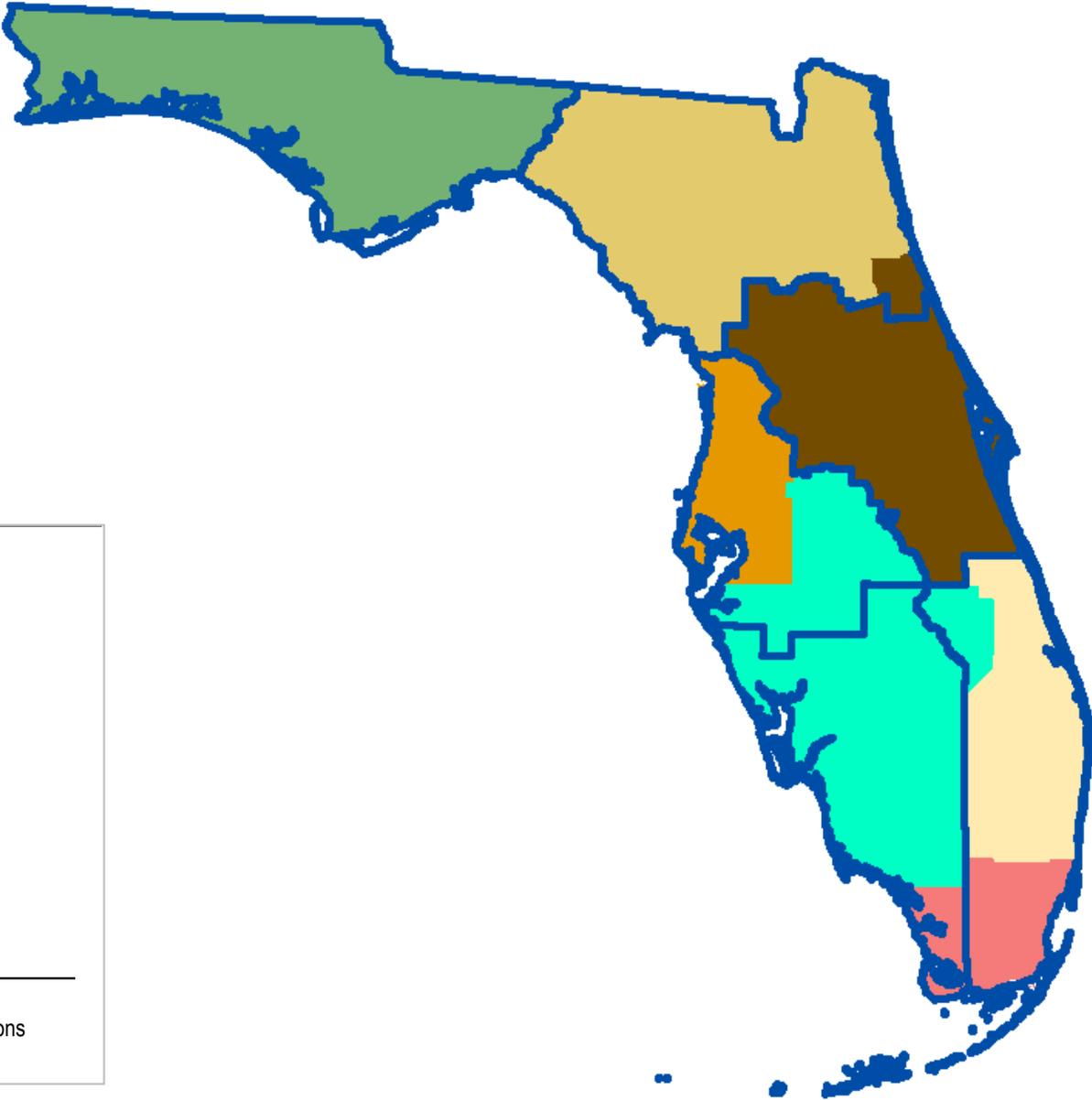
LEGEND

FDOT Districts

-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  District 6
-  District 7



FDOT Districts and FDEP Regions



LEGEND

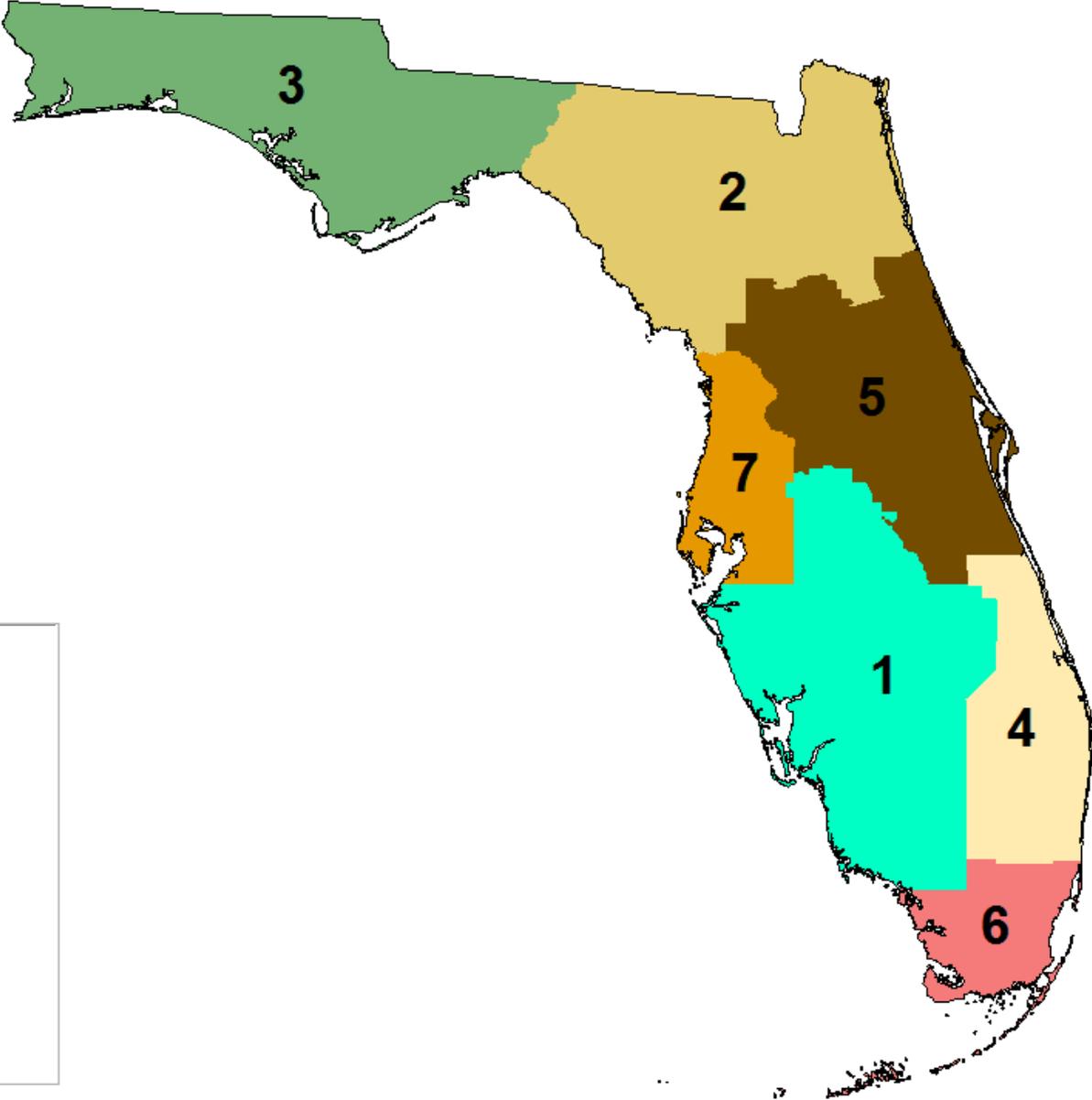
FDOT Districts

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7

FDEP Regions



FDOT Districts



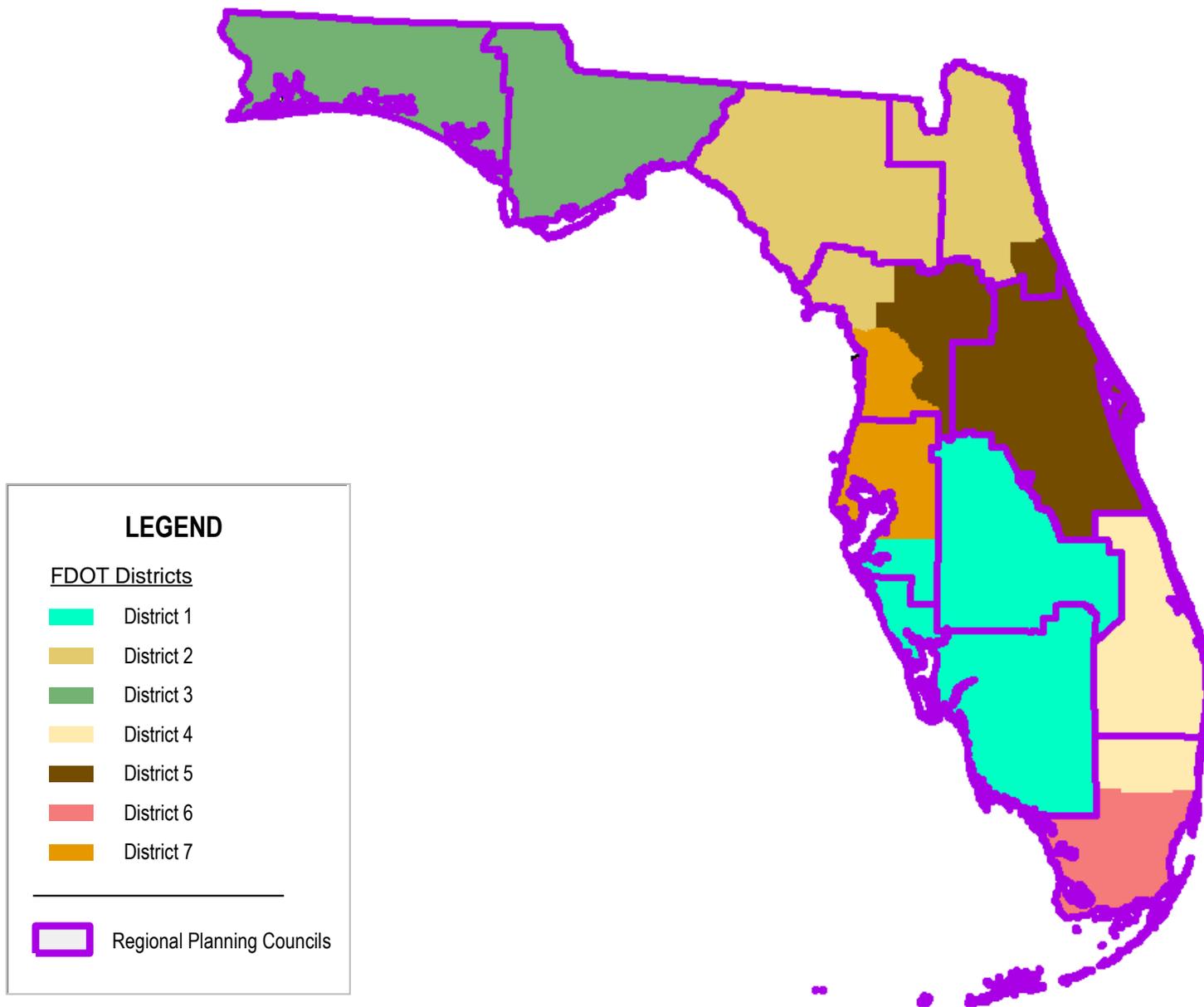
LEGEND

FDOT Districts

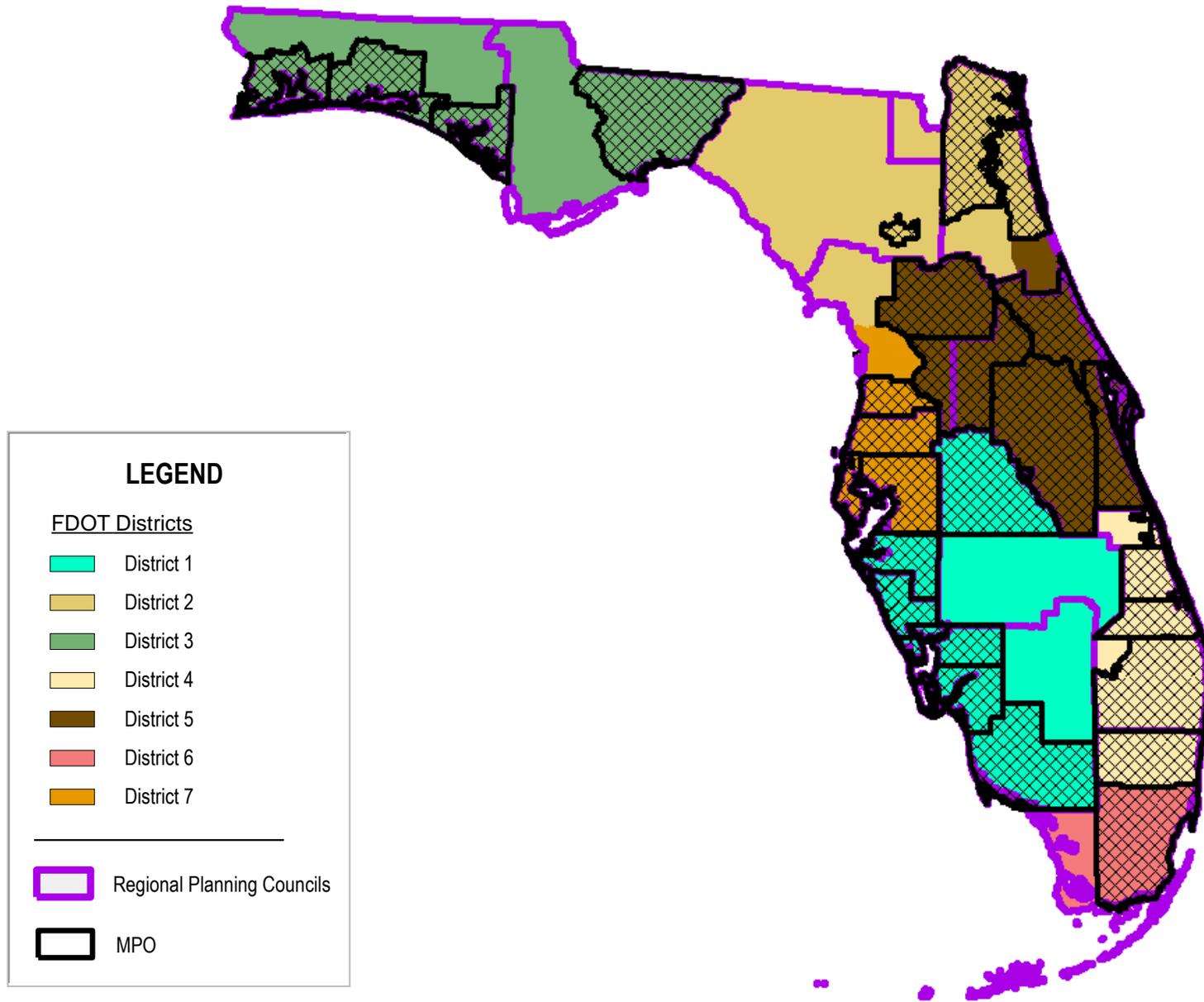
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7



FDOT Districts and Regional Planning Councils



FDOT Districts and Regional Planning Councils and MPOs



District 1

| Manatee | Sarasota | Charlotte | Lee | Collier | Glades | Hendry | Hardee | DeSoto | Highlands | Okeechobee | Polk |
|------------------------|---------------------------|------------------------|----------|--------------------------|--------|--------|-----------------|---------------------------|-------------------|------------|----------------------|
| 6 | 4 | 1 | 5 | 3 | 1 | 2 | 3 | 1 | 3 | 1 | 17 |
| Sarasota-Bradenton | | Cape Coral | | Bonita Springs Naples | | | | North Port-Port Charlotte | Sebring-Avon Park | | Lakeland |
| | North Port-Port Charlotte | | | | | | | | | | Winter Haven |
| | | Sarasota-Bradenton | | | | | | | | | Tampa-St. Petersburg |
| Sarasota - Manatee TPO | | Charlotte P. Gorda MPO | Lee MPO | Collier MPO | | | | | | | Polk TPO |
| WCCC | | | | | | | | | | | CFMPOA |
| TBARTA | | Gasparilla Bridge | SFEA | | | | | | | | WCCC |
| MCAT | SCAT | | Lee Tran | CAT | | | | | | | CC |
| | | | | | | | | | | | WHAT |
| Tampa Bay | Southwest Florida | | | | | | Central Florida | | | | |



| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

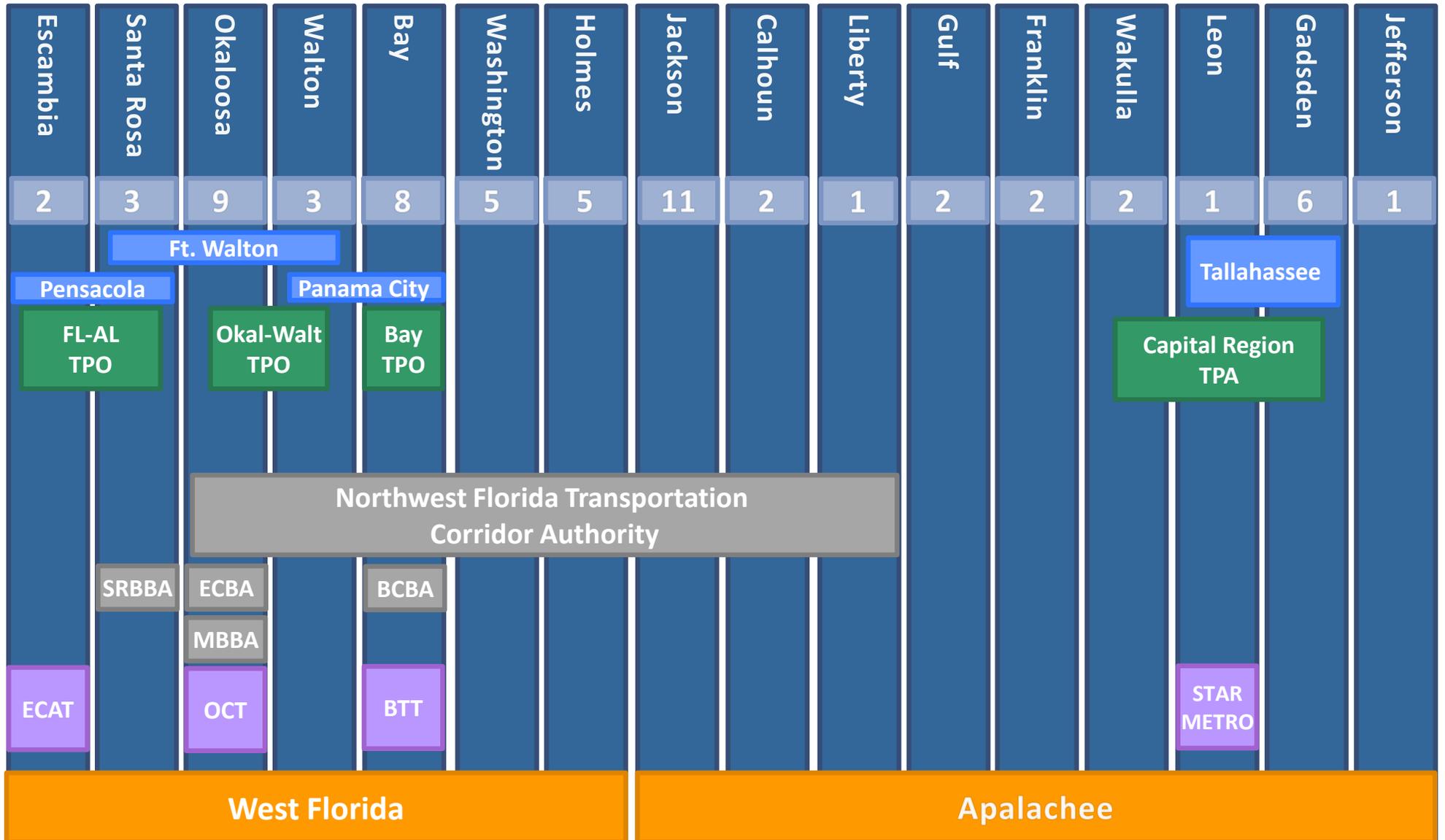
District 2

| County | Number of Cities | 2010 Census Urbanized Areas | MPO/TPO | Fixed Route Transit System | MPO Partnership |
|--|------------------|-----------------------------|------------------|----------------------------|-----------------|
| Madison | 3 | | | | |
| Taylor | 1 | | | | |
| Hamilton | 3 | | | | |
| Suwannee | 2 | | | | |
| Lafayette | 1 | | | | |
| Columbia | 2 | | | | |
| Dixie | 2 | | | | |
| Gilchrist | 3 | | | | |
| Union | 3 | | | | |
| Bradford | 4 | | | | |
| Alachua | 9 | | Gainesville MTPo | Gainesville RTS | |
| Levy | 8 | | | | |
| Baker | 2 | | | | |
| Nassau | 3 | | | | |
| Duval | 5 | | | | JTA |
| Clay | 4 | | | | |
| St. Johns | 4 | | | | Sunshine Bus |
| Putnam | 5 | | | | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 55%; text-align: center;">North Central Florida</div> <div style="width: 15%; text-align: center;">Withlacoochee</div> <div style="width: 30%; text-align: center;">Northeast Florida</div> </div> | | | | | |



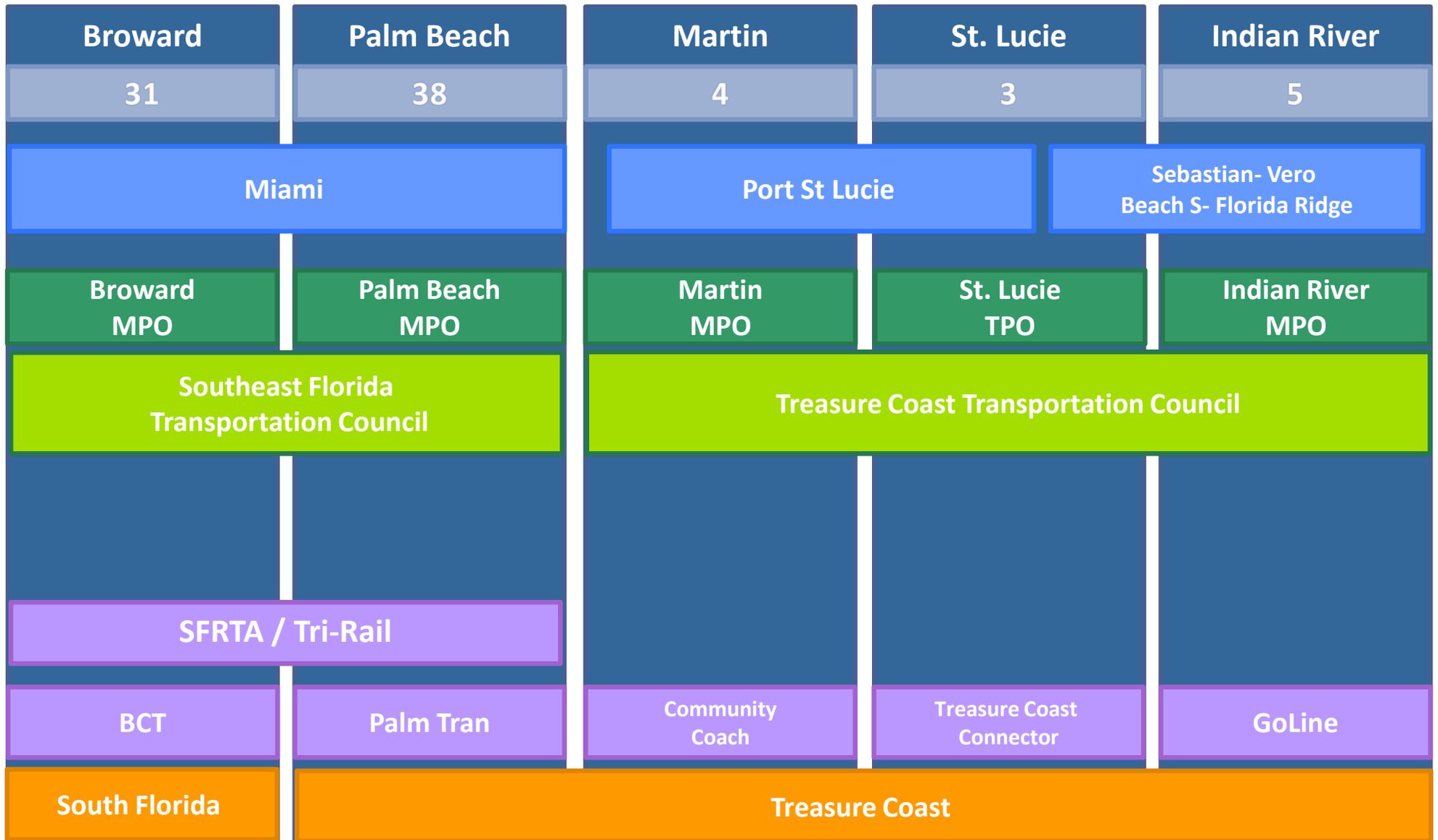
| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

District 3



| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

District 4



| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

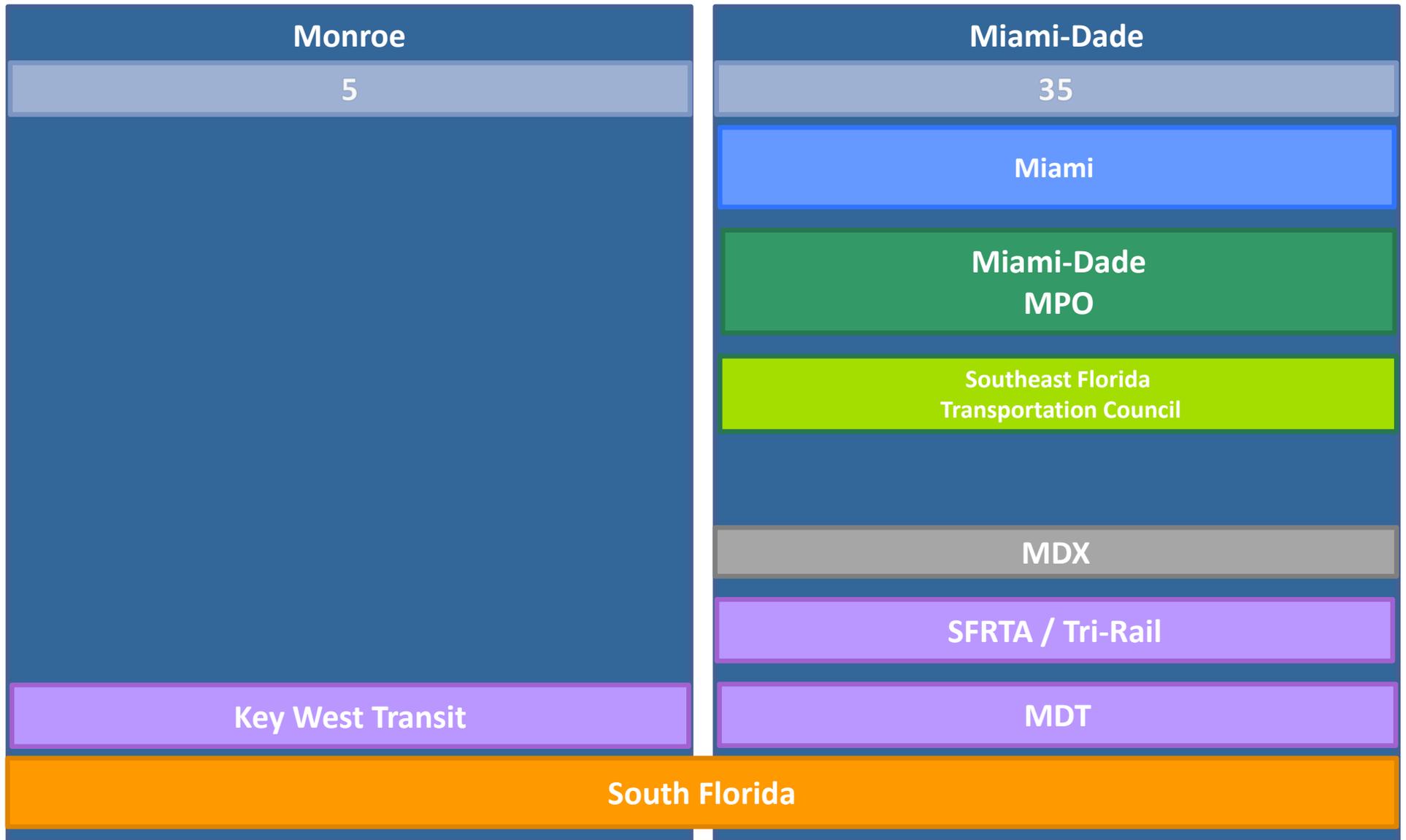
District 5

| Marion | Sumter | Lake | Seminole | Orange | Osceola | Volusia | Brevard | Flagler |
|------------------------------|---------------------------------|----------------------|----------|-----------|---------|--|-------------------------|--|
| 5 | 5 | 14 | 16 | 13 | 2 | 17 | 24 | 6 |
| Ocala | Leesburg- Eustis- Tavares | Orlando | | | | Palm Coast- Daytona Beach- Port Orange | Palm Bay – Melbourne | Palm Coast- Daytona Beach- Port Orange |
| | Lady Lake – The Villages | | | Kissimmee | | | Sebastian | |
| Homosassa Springs | | | | | | Deltona | Titusville | |
| Ocala/ Marion TPO | Lake - Sumter MPO | MetroPlan Orlando | | | | Volusia MPO | Space Coast TPO | |
| Central Florida MPO Alliance | | | | | | | | |
| | | | SCEA | OOCEA | OCX | | | |
| SUNTRAN | | LakeXpress | LYNX | | | VOTRAN | SCAT | |
| | | | SunRail | | | | | |
| Withlacoochee | East Central Florida | | | | | | Northeast Florida | |



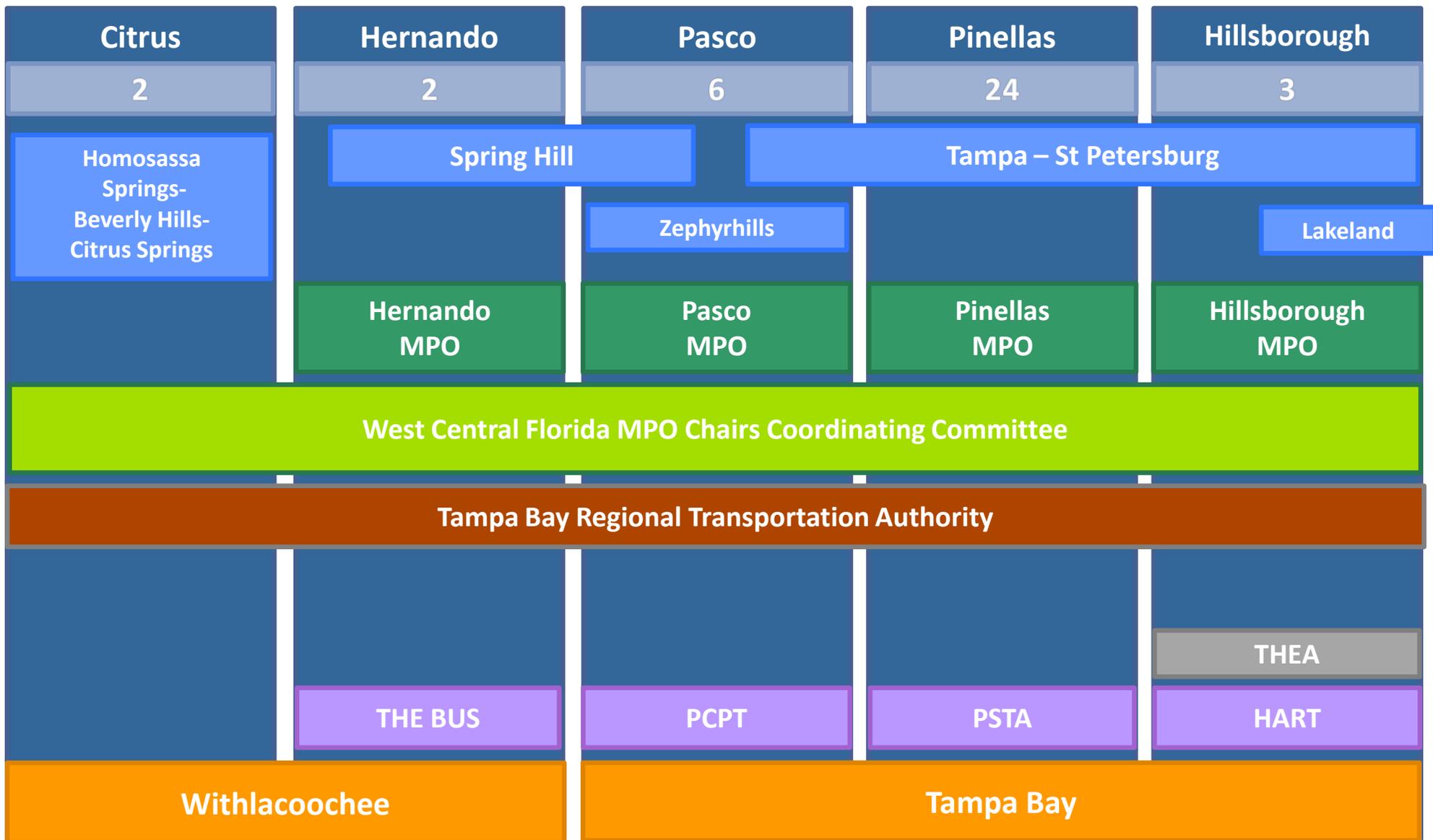
| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

District 6



| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

District 7



| | | | |
|-----------------------------|--------------------------|----------------------------|----------------------|
| Number of Cities | MPO/TPO | Fixed Route Transit System | MPO Partnership |
| 2010 Census Urbanized Areas | Transportation Authority | Regional Planning Council | Multi-Purpose Entity |

Key Challenges

- ◆ Fragmentation in transportation decision making responsibilities among multiple agencies
- ◆ Limited decision making processes at a regional or corridor scale
- ◆ Limited coordination across modes
- ◆ Differences in plan update schedules, horizon years, assumptions, and prioritization processes



Florida Transportation Vision for the 21st Century

- ◆ Transition Florida's MPO structure to focus on regional and metropolitan scale transportation issues
- ◆ Develop governance structure to promote integrated regional transit services
- ◆ Strengthen regional transportation planning and priority setting in rural areas
- ◆ Strengthen regional planning and coordination among seaports, airports, other modal partners
- ◆ Provide incentives/remove disincentives to regional planning and decision making



Transportation Governance Raised as an Issue by Multiple Partners

- ◆ Florida Transportation Commission
- ◆ Florida Department of Economic Opportunity
 - ✓ Florida Strategic Plan for Economic Development
- ◆ Florida Chamber Foundation
 - ✓ Six Pillars 20-Year Strategic Plan
 - ✓ Florida Trade and Logistics Study
- ◆ Regional visioning groups
- ◆ Governor's DOT Transition Team



Conclusion

- ◆ Recommend a regional governance study be conducted by the Florida Transportation Commission (FTC) prior to 2014 legislative session.
 - ✓ Review FDOT District Boundaries



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Transportation Governance Bill Number _____ (if applicable)

Name Bob Romig Amendment Barcode _____ (if applicable)

Job Title State Transportation Development Administrator

Address _____ Phone _____
Street _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing FDOT

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Transportation Governance

Bill Number _____

Name Ananth Prasad

Amendment Barcode _____ (if applicable)

Job Title Secretary of Transportation

_____ (if applicable)

Address _____

Phone _____

Street

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FDOT

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

HUDSON.MARILYN

From: ROGERS.DAN
Sent: Monday, April 01, 2013 5:16 PM
To: EICHIN.KURT
Cc: HUDSON.MARILYN
Subject: meeting tomorrow

Senator Thompson will be late to the Committee on Transportation. She will be presenting two bills at that time.

Dan Rogers

**Legislative Aide to
Senator Geraldine F. Thompson
Senate District-12**

407.245.1511 (p)

407.245.1513 (f)

Rogers.Dan@flsenate.gov

CourtSmart Tag Report

Room: LL 37

Caption: Senate Transportation Committee

Case:

Judge:

Type:

Started: 4/2/2013 4:06:01 PM

Ends: 4/2/2013 5:07:09 PM Length: 01:01:09

4:06:05 PM Meeting called to order by Chairman Brandes
4:06:14 PM Quorum Present
4:06:28 PM Chairman
4:06:40 PM SB 1480 presented by Sen. Latvala
4:07:08 PM Sen. Diaz de la Portilla question of sponsor
4:07:10 PM Chairman, Amendment Barcode 731776- adopted
4:07:36 PM Sen. Latvala in response
4:08:15 PM Sen. Joyner question of sponsor
4:08:25 PM Sen. Latvala in response
4:08:38 PM Sen. Joyner
4:08:42 PM Sen. Latvala
4:09:14 PM Sen. Garcia
4:09:32 PM Chairman
4:09:35 PM Sen. Latvala waive to close
4:10:10 PM Roll call on SB 1480 - Favorable
4:10:11 PM SB 972 - Sen. Hukill as sponsor to present
4:11:04 PM Chairman
4:11:08 PM Amendment Barcode 421654 by Sen. Lee
4:11:18 PM Sen. Hukill to explain amendment
4:11:28 PM Sen. Joyner on amendment
4:11:46 PM Sen. Hukill
4:12:04 PM Chairman
4:12:13 PM Amendment Barcode 421654 adopted
4:12:23 PM Chairman
4:12:27 PM Sen. Clemens question on bill as amended
4:12:48 PM Sen. Hukill in response
4:13:13 PM Sen. Clemens question
4:13:35 PM Sen. Hukill in response
4:14:02 PM Sen. Clemens question of sponsor
4:14:34 PM Sen. Hukill in response
4:14:49 PM On the bill as amended - Eric Poole, Fla. Association of Counties oppose the bill and provide some background on the bill
4:17:31 PM Sen. Lee question of Eric Poole
4:18:12 PM Eric Poole in response
4:19:29 PM Terry Lewis, attorney, in support of bill
4:19:39 PM Charles Pattison, 1000 Friends of Florida to speak against the bill
4:20:18 PM Nancy Linnan, with Carlton Fields law firm, in support of the bill
4:20:24 PM Sen. Lee why do they support the bill
4:20:35 PM Nancy Linnan in response
4:22:52 PM Sen. Lee in response
4:23:26 PM Nancy Linnan in response
4:23:39 PM Sen. Lee in response
4:23:39 PM Leticia Adams, Florida Chamber of Commerce, in support of bill
4:23:39 PM Luis Rotundo, Alachua County, in support of bill
4:23:48 PM Chairman
4:23:53 PM Sen. Clemens question
4:24:26 PM Sen., Hukill to close on bill
4:25:18 PM Chairman
4:25:39 PM Roll Call on CS/SB 972 - favorable as CS by Sen. Clemens
4:25:48 PM Chairman
4:26:00 PM SB 300 by Sen. Detert, presented by Charlie Anderson, Legislative Assistant
4:26:52 PM Amendment Barcode 593414 by Sen. Garcia

4:27:40 PM Chairman - Amendment Barcode 593414 - adopted
4:27:53 PM Amendment Barcode 808800 by Sen. Richter
4:28:39 PM Charlie Anderson on amendment 8088000
4:29:26 PM Sen. Lee question of sponsor
4:29:48 PM Cindy Price, Legislative Analyst, Transportation Committee, in response
4:29:50 PM Charlie Anderson Response
4:30:02 PM Chairman, Amendment Barcode 808800 adopted
4:30:10 PM Chairman, Amendment Barcode 362486- Sen. Joyner wants to co-sponsor and speak on amendment
4:30:22 PM Sen. Joyner, co-sponsor, to speak on the amendment
4:30:59 PM Chairman, Amendment Barcode 362486 adopted
4:31:46 PM Chairman, late filed Amendment Barcode 731776 by Sen. Evers - late filed amend. adopted
4:32:23 PM Sen. Evers on amendment
4:32:43 PM Chairman, on bill as amended - close on bill
4:32:56 PM Charlie Anderson to close on the bill as amended- waives to close
4:33:13 PM Chairman
4:33:22 PM Sen. Margolis moves for CS on SB 300
4:33:45 PM Roll Call on SB 300 - favorable as CS
4:34:06 PM CS/CS/ SB 84 - by Sen. Diaz de la Portilla
4:35:13 PM Chairman, Amendment Barcode 502258 by Sen. Diaz de la Portilla
4:35:24 PM Sen. Diaz de la Portilla on amendment
4:36:07 PM Chairman, Amendment Barcode 712502 amendment to amendment
4:36:16 PM Amendment Barcode 712502 by Sen. Diaz de la Portilla
4:36:30 PM Chairman, Amendment to amendment Barcode 712502, adopted
4:36:34 PM Chairman, back on the main amendment Barcode 502258 - adopted
4:36:44 PM Chairman, Amendment Barcode 725490 by Sen. Diaz de la Portilla
4:36:55 PM Sen. Diaz de la Portilla to present amendment
4:37:34 PM Chairman, amendment 725490, adopted
4:37:38 PM Chairman, On the bill as amended
4:37:55 PM Peter Backweg, Exec. Director, Miami's Community Redevelopment Agency (CRF) in support of the bill
4:38:02 PM Eric Poole, Fla. Association of Counties, in support of the bill
4:38:42 PM Warren Husband, Fla. Associated General Contractors Council, in support of the bill
4:38:48 PM Mark Anderson, Nassau County, in support of the bill
4:38:53 PM David Hullman, County Attorney, Nassau County, in support of the bill
4:39:46 PM Leticia M. Adams, Director of Infrastructure Policy, Florida Chamber of Commerce, in support of bill -
4:41:01 PM David Cruz, Legislative Advocate, Fla. League of Cities, against the bill
4:42:15 PM Bruce Kershner, Underground Utilities Contractors of Fla. and Improved Construction Practice
Committee, to waive in support
4:42:29 PM Stephen Shriver, Associated Industries of Florida, in support
4:42:30 PM Richard Watson, Legislative Council, Associated Builders and of Contractors of Florida, in support of bill
4:42:55 PM Chairman
4:42:58 PM Sen. Diaz to ask for amendments to travel with bill
4:43:28 PM Roll Call for CS/CS for SB 84 - Favorable
4:43:34 PM Sen. Thompson would like to be recorded as voting favorably on Senate Bills 972 and 1480
4:43:52 PM Chairman Brandes
4:45:17 PM Sec. Ananth Prasad, DOT, to do a presentation on possible interim projects for Senate Committee
4:47:20 PM Chairman
4:47:22 PM Bob Romig, State Transportation Development Administrator, DOT to answer
4:48:08 PM Sec. Prasad to continue
4:56:46 PM Chairman
4:56:49 PM Sen. Margolis
4:58:28 PM Sen. Clemens question to Secretary Prasad
4:58:41 PM Sec. Prasad in response
4:59:41 PM Sen. Diaz de la Portilla
4:59:44 PM Sen. Clemens to continue
5:00:23 PM Sec. Prasad in response
5:01:30 PM Chairman Brandes question of Secretary
5:01:38 PM Bob Romig, in response to Chair
5:02:49 PM Chairman
5:02:56 PM Bob Romig in response
5:03:19 PM Chairman
5:03:21 PM Bob Romig
5:04:07 PM Sec. Prasad

5:06:23 PM Chairman
5:06:43 PM Chairman, Sen. Richter moves to rise
5:06:59 PM Adjourned