

East Central Florida Regional Planning Council

631 North Wymore Road, Suite 100
Maitland, Florida 32751

Wednesday, June 18, 2008
10:00 a.m.

Meeting Agenda

- | | | |
|-------|---|-------|
| I. | Call to Order and General Business | 10:00 |
| | <ul style="list-style-type: none">• Call to Order – <i>Chair, Commissioner Teresa Jacobs</i>• Roll Call – <i>Ruth Little</i> | |
| II. | Consent Agenda | 10:05 |
| | <ul style="list-style-type: none">• Minutes (May 2008) – <i>Secretary Atlee Mercer (Attachment 1)</i>• Financial Report (May 2008) – <i>Treasurer Mary Martin (Attachment 2)</i> | |
| III. | SRPP Update – <i>Mr. Malcolm McLouth</i> | 10:10 |
| IV. | Tohoqua DRI – <i>Mr. Fred Milch (Attachment 3)</i> | 10:25 |
| V. | Chair’s Report – <i>Chair, Commissioner Teresa Jacobs</i> | 11:15 |
| | <ul style="list-style-type: none">• Water Summit (Tentative Date July 25) – what do we want to accomplish? | |
| VI. | Executive Director’s Report – <i>Phil Laurien</i> | 11:30 |
| | <ul style="list-style-type: none">• Audit Progress• CLIP Progress Report• St. Johns River TMDL Progress Report• Senate Bill 682 (Attachment 4) | |
| VII. | Announcements/Comments | 11:50 |
| | <ul style="list-style-type: none">• An opportunity for Council members and members of the public to bring up events, issues or other items of interest to the Council. | |
| VIII. | Adjournment | 12:00 |

All Council meetings are open to the public as required by Florida Sunshine Law, Chapter 286, FS, and shall meet the requirements of Chapter 120, FS. The agenda is set as per Chapter 29F, FAC, the rules of the East Central Florida Regional Planning Council. Persons participating in a Council meeting shall be allocated a reasonable amount of time to present oral testimony and offer written materials relevant to their position. The Chairperson shall instruct all persons as to amount of time allocated for presentation and appropriateness of written materials. An opportunity for general public comment will be included in each agenda. If a person decides to appeal a decision on any matter considered on the above listed agenda, such person must ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based.

ATTACHMENT 1

Minutes (May 2008)

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

COUNCIL MEETING MINUTES

May 21, 2008

Commissioner Teresa Jacobs Presiding

IN ATTENDANCE:

County Representatives

Commissioner Chuck Nelson, Brevard County
Commissioner Elaine Renick, Lake County
Commissioner Teresa Jacobs, Orange County
Commissioner Fred Brummer, Orange County
Commissioner John Quinones, Osceola County
Mr. Atlee Mercer, Osceola County
Commissioner Dick Van Der Weide,
Seminole County
Commissioner Mike McLean, Seminole County
Councilwoman Joie Alexander, Volusia County
Councilman Art Giles, Volusia County

Municipal Representatives

Commissioner Patty Sheehan, City of Orlando
Mayor Rocky Randels, Space Coast League of
Cities
Mayor John Land, Tri-County League of Cities
Commissioner Cheryl Grieb, City of
Kissimmee
John Gilmore for Mayor John Bush, Seminole
County League of Cities
Vice Mayor Mary Martin, Volusia County
League of Cities

Gubernatorial Appointees

Mr. Malcolm McLouth, Brevard County
Ms. Aileen Cubillos, Seminole County
Mr. Al Glover, Brevard County
Mr. Jon Rawlson, Orange County

Ex-Officio and Other Municipal Reps

Ms. Vivian Garfein, FDEP
Mr. John Moore, FDOT
Ms. Nancy Christman, SJRWMD
Ms. Susan Sadighi, FDOT
Mr. Russell Gibson, City of Sanford
Mr. Tom Tomerlin for Mr. William
McDermott, Enterprise Florida

Other Attendees

Gerald Livingston, ECFRPC Counsel
Mr. Allen Ibaugh, DTS
Ms. Lakshmi Ramaseshan, DTS
Ms. Liz Alward, Brevard County
Mr. Christopher Stapleton, UCF Institute for
Simulation

ECFRPC Staff

Mr. Phil Laurien
Ms. Ruth Little Ms. Lelia Hars
Ms. Kimberly Loewen Mr. Fred Milch
Ms. Claudia Paskauskas Mr. Sam Bitar
Mr. Jeremy Mikrut Mr. Andrew Landis
Ms. Tuesdai Brunsonbyrd-Bowden

Members not in Attendance

Commissioner Helen Voltz, Brevard County
Commissioner Welton Cadwell, Lake County
Ms. Maryam Ghyabi, Volusia County
Mr. Daniel O'Keefe, Orange County

I. Call to Order and General Business

Chair Teresa Jacobs called the meeting to order at 10:05 a.m. Ruth Little called the roll and announced that a quorum was present.

II. Consent Agenda

Motion was made and seconded to approve the Consent Agenda. Commissioner Brummer asked that the FDOT Long Range Transportation Plan (LRTP) contract item be discussed

separately. Chair Jacobs removed the third Consent Agenda item and the Motion to approve the first two items of the Consent Agenda was UNANIMOUSLY PASSED.

Discussion then moved to amending the FDOT LRTP Contract to include proposed Exhibit C. Mr. Livingston explained that the goal is to amend the LRTP Contract to eliminate any references to the words "green print" or "NRORS." Mr. Mercer made a MOTION to approve the amendment to the contract as recommended by staff, pointing out that we are not approving the FDOT contract, only the amendment. The MOTION was seconded by Commissioner Grieb. Commissioner Renick questioned whether priorities 1 through 4 listed on Exhibit C have been resolved. A discussion followed and Commissioner Renick made a MOTION to approve the use of Exhibit C on the condition that the Ecological Greenways information be moved from Priority 3 to Priority 2. The MOTION was Seconded by Commissioner Jacobs. After additional discussion, Mr. Glover called the question and Mayor Land Seconded the Motion to Call. Commissioner Jacobs asked for a vote on the question of moving Ecological Greenways to Priority 2. The Motion FAILED. Mayor Land then called for a vote of the previous question which was seconded by Commissioner Sheehan. On the question of approving amendments to the FDOT LRTP Contract to include Exhibit C, the Motion passed with Commissioner Brummer and Commissioner Rennick voting against the Motion.

III. Action Items

A. *Move Funds from Unrestricted Reserve to Dedicated Building Fund for Office Purchase.* Mr. Laurien presented the financial analysis to support the Executive Committee's recommendation to move \$1.6 million from unrestricted reserves to a dedicated fund for the purchase of building. Vice Mayor Martin made a MOTION to approve the executive committee's recommendation and Commissioner McLean seconded the Motion. Commissioner Quiñones asked for followup on his earlier suggestion to share space with other regional boards such as Metroplan. Mr. Laurien responded that Metroplan leases their space, and after 45 years of renting, this is a good time to be an owner. Commissioner Brummer questioned whether it was wise to commit such substantial funds in light of the budget situations facing the member counties. Mr. Glover spoke from a business perspective that the current real estate market presents an opportunity for a good return on investment. The current lease of \$120,000 per year would use up the \$1.6 million reserve in 14 years, and owning vs. leasing will put the Council in a better cash flow position. Commissioner Jacobs asked for a vote on the Motion to move \$1.6 million from unrestricted funds to a dedicated building fund. The Motion PASSED with Commissioner Quiñones and Commissioner Brummer voting against.

B. *CFGIS Action Plan.* GIS Manager Claudia Paskauskas gave a brief background of CFGIS and its development, and introduced Allen Ibaugh and Lakshmi Ramaseshan of Data Transfer Solutions (DTS), the consultant hired to redevelop the CFGIS website. Mr. Ibaugh gave information on the program structure, the Action Plan process, and the goals of the website design. Ms. Ramaseshan gave a live demonstration of the new website, showing clearinghouse functions, map galleries, and search capabilities. Mayor Land moved for approval of the CFGIS Website Action Plan. After discussion on some budget items in the Action Plan, the Motion was seconded and UNANIMOUSLY PASSED.

C. *ECFRPC Website Redesign*. Mr. Laurien addressed the redesign of the ECFRPC website, which was an approved item in this year's budget. A request for proposals was published, six proposals were received, and four were selected for interviews. Mr. Mercer then talked about the interview process and said that there was unanimous agreement that Data Transfer Solutions (DTS) was the top candidate. Because their price proposal was within budget, the recommendation of the selection committee is to award the contract to DTS. Mr. McLouth made a Motion to approve the selection. Commissioner Sheehan seconded the motion and it was UNANIMOUSLY PASSED.

IV. **Chair's Report** – *Chair, Commissioner Teresa Jacobs*

Commissioner Jacobs reported on the Water Summit held on April 18, 2008, between the ECFRPC and the Northeast Florida Regional Council. She described the Water Summit as a great first date with everyone on their best behavior. The ECFRPC will host the next meeting and Commissioner Jacobs encouraged all Council members to attend. Mr. Laurien added that Kirby Green from the St. Johns River Water Management District gave a good presentation and asked for input from the parties. Council members will be kept informed as dates in July are considered for the next meeting.

Next, Commissioner Jacobs announced that the Space Coast Growth Management Coalition extended an invitation to appoint a member to their board. The Executive Committee appointed Phil Laurien to represent the ECFRPC.

V. **Strategic Regional Policy Plan (SRPP) Task Force** – *Mr. Malcolm McLouth*

Mr. McLouth gave a report on the May 12, 2008 meeting of the SRPP Task Force. Much of the discussion concerned the NRORS map, identifying and correcting inconsistencies in the many GIS layers. Mr. McLouth commended the staff and reminded everyone that the finalization of the NRORS map is an on-going process. A Natural Resources Sounding Board signup was provided at the first public meeting, and people from public and private agencies will be invited to join. The SRPP Task Force will be seeking a public meeting facilitator to assist in outreach efforts and drive more participation into the SRPP process.

The next SRPP Task Force meeting will be held on June 16 and will include a presentation from Dr. Tom Hctor of the University of Florida's GeoPlan Center on the Critical Lands & Waters Identification Project (CLIP).

VI. **Power Plant Transmission Line Update**– *Kimberly Loewen*

Ms. Loewen briefly reviewed one transmission line and two power plant proposals. First was an alternate corridor proposal for the Lake Agnes-Gifford Transmission Line which will avoid a residential area and actually lower costs. There will be some impact on wetlands, but it represents only 2% of the entire proposed line. The Cane Island Power Park is proposing a new unit in the Kissimmee area. The application needs additional environmental information before approval. The last project under consideration is the repower of the Cape Canaveral Power Plant after its conversion to natural gas. The conversion results in a sleeker profile with shorter stacks and greater fuel efficiency.

VII. Economic Impact Study of Florida Business Incubators – Sam Bitar

Mr. Bitar discussed the economic impact study of business incubators in the state of Florida. The project was conducted at a state-wide level in cooperation with the University of Central Florida, the University of Florida and the UCF High Tech Incubator. The study showed an impact of \$85 million from the 12 incubators reporting in 2006. Future studies will track more incubators and include the impact of incubator graduates. Mr. Laurien pointed out that this study is a good example of the service we can provide to member counties. He encouraged economic impact studies on all public construction projects, such as the impact of the Wekiva Parkway that OOCEA has approached us about.

VIII. Executive Director's Report – Phil Laurien

The Executive Director's report was presented as written report this month. Mr. Laurien referred to that report, pointing out several items of interest.

IX. Announcements /Comments

Chair Commissioner Jacobs provided an opportunity for Council members and members of the public to bring up events, issues or other items of interest.

Nancy Christman announced that the St. Johns River Water Management District is going through rulemaking for lawn and landscape rules. Reclaimed water will now be included in the two-day-per-week rule, and a one-day-per-week schedule will be adopted in the winter. She provided handouts and invited attendance at the four public workshops starting in June.

Vice Mayor Mary Martin referred to Item 16 of the Executive Director's report and complimented Mr. Laurien on his presentation "Overcoming Obstacles to Smart Growth and Green Development." His report was very well received, and it was a good chance to show what the Regional Planning Council and staff can do.

Mr. McLouth is a consultant in the transportation cargo business, and is especially interested in a 20-mile rail segment connecting to OUC. This connector would reduce long haul traffic on I-95, I-4, and the Beach Line, provide competitive rail service to Central Florida businesses, reduce emissions and bridge maintenance costs. He is bringing up the idea again and will keep the Council informed.

Rocky Randels thanked Mr. Laurien for coming to City of Cape Canaveral and making a presentation on mixed use development.

Commissioner Nelson thanked the cities and counties that sent firefighters to Brevard County last week.

Mr. Laurien announced that he was contacted by the Governor's Appointment Office regarding the three vacant slots. He also invited everyone to look at the Eatonville map series before they leave today. The maps were created for Eatonville with local technician assistance funding through DCA.

X. Adjournment

There being no further business before the Council, the meeting was adjourned at 11:52.

ATTACHMENT 2

Financial Report (May 2008)

Financial Forecast

Statement of Condition as of May 31, 2008

Cash-in-bank on May 1, 2008		\$70,778.25 *
Deposits and Interest - May 2008	\$143,459.32	
Checks Issued - May 2008	-\$133,150.30	
From Repurchase Account	<u>\$21,000.00</u>	31,309.02
Cash-in-bank on May 31, 2008		<u>\$102,087.27</u>

* Does not include repurchase account which consists of DRI FEE Deposits and other obligated funds being held

Financial Forecast for June 2008

Operating Cash June 1, 2008		\$102,087.27
Accounts Payable on June 1, 2008		<u>-21,722.76</u>
Net Operating Cash for June 1, 2008		\$80,364.51

Anticipated Revenue/Expense for June 2008:		
Accounts Receivables (Revenues)	\$156,139.13	
Accounts Payables (Expenditures)	<u>-117,590.64</u>	
Net Anticipated Revenue/Expense		38,548.49
Anticipated Operating Cash for July 1, 2008		<u>\$118,913.00</u>

May08FiscalBudgetvsActual.xls

	<u>Budget</u>	<u>4/30/2008</u>	<u>Actual</u>	<u>Current</u>	<u>Under (Over)</u>	<u>66.6%</u>
		<u>Year to Date</u>	<u>May</u>	<u>Year to Date</u>		
Personnel						
Salaries & Wages (Permanent)	804,000	440,652	94,390	535,042	268,958	66.5%
Fringe Benefits	276,853	140,047	26,169	166,216	110,637	60.0%
Outside Temporary Services	33,000	2,395	-	2,395	30,606	7.3%
Unemployment	-	-	-	-	-	
Total Personnel	1,113,853	583,094	120,559	703,652	410,201	63.2%
Overhead						
Annual Audit	15,000	1,750	2,800	4,550	10,450	30.3%
Advertising/Regional Promotion	4,000	709	-	709	3,291	17.7%
Cleaning Services/Pest Control	6,000	3,092	449	3,541	2,459	59.0%
Computer Ops (General)	29,664	19,087	174	19,261	10,403	64.9%
Depreciation/Use Charge	12,000	7,000	1,000	8,000	4,000	66.7%
Electricity	8,500	4,464	315	4,779	3,721	56.2%
Equipment (General)	22,000	2,094	-	2,094	19,906	9.5%
Equipment Maintenance/Rental	1,500	-	-	-	1,500	0.0%
Equipment Lease/Sales Taxes	400	13	-	13	387	3.3%
Graphics/Outside Printing	30,000	11,610	1,005	12,615	17,385	42.1%
Insurance	14,000	8,115	1,160	9,275	4,725	66.3%
Inter-Regnl Bd Rel (travel/training)	7,500	628	-	628	6,872	8.4%
Legal Counsel	44,000	23,333	3,334	26,667	17,333	60.6%
Library/Publications/Subscriptions	3,000	891	258	1,149	1,851	38.3%
Office Supplies	8,000	3,775	278	4,053	3,947	50.7%
Pension Fund Mgmt. Fee	900	-	-	-	900	0.0%
Postage	9,000	4,254	158	4,412	4,588	49.0%
Professional Dues	25,000	16,225	2,396	18,621	6,379	74.5%
Rent	125,000	70,821	10,118	80,939	44,061	64.8%
Office Maintenance	4,000	62	-	62	3,938	1.6%
Staff Training	14,000	3,403	2,722	6,125	7,875	43.8%
Telephone & Communications	8,000	3,421	622	4,043	3,957	50.5%
Staff Travel	30,000	12,651	2,073	14,724	15,276	49.1%
Recruting	4,000	60	-	60	3,940	1.5%
Hmep Training	26,200	1,000	2,500	3,500	22,700	13.4%
GIS Coordination	3,000	3,000	-	3,000	-	100.0%
GIS Data Collection	1,500	-	-	-	1,500	0.0%
CFGIS Workshop		600	-	600		
Consultants (FDOT/GIS)	55,000	33,368	-	33,368	21,632	60.7%
Consultants (DRI)	72,000	40,057	584	40,641	31,359	56.4%
Consultants(S.R. 40 Scenic Hyway)	18,000	18,000	-	18,000	-	100.0%
Consultants(Green Mountain Byway)	60,000	61,650	-	61,650	(1,650)	102.8%
Consultants(ZDATA)	-	43,392	-	43,392	(43,392)	
Storage-Off Site Records	1,400	961	-	961	439	68.6%
Contingencies	10,000	-	-	-	10,000	0.0%
Meeting Expenses	16,551	1,883	1,094	2,977	13,574	18.0%
Web Site Upgrade	30,000	-	-	-	30,000	0.0%
REMI Annual Maintenance	20,000	6,867	-	6,867	13,133	34.3%
S. Bitar VISA Sponsorship	7,000	956	-	956	6,044	13.7%
Total Overhead	746,115	409,192	33,040	442,232	303,883	59.3%
Total Expenditures	1,859,968	992,286	153,599	1,145,884	714,084	61.6%

ATTACHMENT 3

Tohoqua Development of Regional Impact

ATTACHMENT 4

Senate Bill 682

**Florida Metropolitan Planning
Organization Advisory Council**



2008 Summary of State Legislation

May 29, 2008

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Summary of the General Transportation Bill (SB 682)

Items of Interest to MPOs

Section 1 (no statute number assigned to date)

- **Requires FDOT, in consultation with other identified agencies, to complete a study of transportation alternatives for the travel corridor parallel to I-95. The report must be sent to the Governor, Senate President, House Speaker, and each affected metropolitan planning organization (MPO) by June 30, 2009.**

Key features of the section include:

- “The Department of Transportation, in consultation with the Department of Law Enforcement, the Division of Emergency Management of the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development, and regional planning councils within whose jurisdictional area the I-95 corridor lies, shall complete a study of transportation alternatives for the travel corridor parallel to Interstate 95.
- “... which takes into account the transportation, emergency management, homeland security, and economic development needs of the state.”
- “The report must include identification of cost-effective measures that may be implemented to alleviate congestion on Interstate 95, facilitate emergency and security responses, and foster economic development.”
- The Department of Transportation shall send the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and each affected metropolitan planning organization by June 30, 2009.”

Section 4 (s. 163.3177, F.S.)

- **Revises requirements relating to comprehensive plans by providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan.**
 - “The future land use plan shall be based upon ... lands adjacent to an airport as defined in s. 330.35 and consistent with provisions in s. 333.02...”
 - “The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations; lands adjacent to an airport as defined in s. 330.35 and consistent with provisions in s. 333.02.”

- “Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with provisions in s. 333.02 in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2011.”
- “The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30, and airport master plans pursuant to paragraph (k).”
- “The intergovernmental coordination element shall provide for interlocal agreements, as established pursuant to s. 333.03(1)(b).”
- “For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues: ... Airports, projected airport and aviation development, and land use compatibility around airports that includes areas defined in ss. 333.01 and 333.02.”

Section 5 (s. 163.3178, F.S.)

- **Exempts certain port-related land uses from DRI status subject to specific criteria.**
 - “... facilities determined by the Department of Community Affairs and the applicable general purpose local government to be port-related industrial or commercial projects located within three miles of or in a port master plan area which rely upon the utilization of port and intermodal transportation facilities shall not be developments of regional impact where such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section..”

Section 6 (s. 163.3182, F.S.)

- **Makes a variety of changes to statutes related to transportation concurrency backlog authorities. Guidelines are provided for incurring debt, raising funds, and formation/dissolution.**

Key features of the section include:

- Provides a declaration of the purpose for transportation concurrency backlog authorities.

“The Legislature finds and declares that there exists in many counties and municipalities areas with significant transportation deficiencies and inadequate

transportation facilities; that many such insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation concurrency standards; that such transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of such counties and municipalities; that such transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which such insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.”

- Expands the power of authorities to borrow money to include issuing debt obligations.

“Each transportation concurrency backlog authority has the powers necessary or convenient to carry out the purposes of this section, including the following powers ... borrow money, including, but not limited to, issuing debt obligations, such as, but not limited to, bonds, notes, certificates, and similar debt instruments ...”

- Provides a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects and authorizes authorities to continue operations and administer trust funds for the period of the remaining outstanding debt.

“Each transportation concurrency backlog authority shall adopt a transportation concurrency backlog plan as a part of the local government comprehensive plan ... The plan shall ... Establish a schedule for financing and construction of transportation concurrency backlog projects that will eliminate transportation concurrency backlogs within the jurisdiction of the authority within 10 years after the transportation concurrency backlog plan adoption. The schedule shall be adopted as part of the local government comprehensive plan. Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation concurrency backlogs within 10 years after the adoption of the concurrency backlog plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date such debt is incurred and the authority may continue operations and administer the trust fund established ... for as long as such debt remains outstanding.”

- The bill also requires local transportation concurrency backlog trust funds to continue to be funded for as long as projects in the backlog plan remain to be completed or until any debt is no longer outstanding, whichever occurs later.

“The transportation concurrency backlog authority shall establish a local transportation concurrency backlog trust fund upon creation of the authority. Each

local trust fund shall be administered by the transportation concurrency backlog authority within which a transportation concurrency backlog has been identified. Each local trust fund shall continue to be funded pursuant to this section for as long as the projects set forth in the related transportation concurrency backlog plan remain to be completed or until any debt incurred to finance or refinance the related projects are no longer outstanding, whichever occurs later.”

- Provides for increased ad valorem tax increment funding for trust funds as specified.

“Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation concurrency backlog area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree pursuant to an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation concurrency backlog authority and within the transportation backlog area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation concurrency backlog area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.”

- Revises provisions relating to the dissolution of an authority.

“Upon completion of all transportation concurrency backlog projects and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation concurrency backlog authority shall be dissolved, and its assets and liabilities shall be transferred to the county or municipality within which the authority is located.”

Section 17 (s. 337.11, F.S.)

- **Authorizes FDOT to pay a stipend to unsuccessful firms that have submitted responsive proposals for construction or maintenance contracts and establishes a procurement goal for design-build contracts.**

- “If the department determines that it is in the best interest of the public, the department may pay a stipend to unsuccessful firms who have submitted responsive proposals for construction or maintenance contracts. The decision and amount of a stipend will be based upon department analysis of the estimated proposal development costs and the anticipated degree of competition during the procurement process. Stipends shall be used to encourage competition and compensate unsuccessful firms for a portion of their proposal development costs. The department shall retain the right to use ideas from unsuccessful firms that accept a stipend.”
- “The department's goal shall be to procure up to 25 percent of the construction contracts which add capacity in the 5-year adopted work program as design-build contracts by July 1, 2013.”

Section 24 (s. 338.01, F.S.)

- **Require that all new limited access facilities and existing transportation facilities on which new or replacement electronic toll collection systems are installed shall be interoperable with FDOT's electronic toll collection system.**
 - “All new limited access facilities and existing transportation facilities on which new or replacement electronic toll collection systems are installed shall be interoperable with the department's electronic toll collection system.”

Section 26 (s. 338.166, F.S.)

- **Creates a section pertaining to the creation and management of tolled HOT lanes and/or express lanes and revenue generated from tolls collected on HOT lanes and/or express lanes.**

Key features of the section include:

- “...the department may request the Division of Bond Finance to issue bonds secured by toll revenues collected on high-occupancy toll lanes or express lanes located on Interstate 95 in Miami-Dade and Broward Counties.”
- “The department may continue to collect the toll on the high-occupancy toll lanes or express lanes after the discharge of any bond indebtedness related to such project. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lanes project or associated transportation system.”
- “Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road on the State Highway System.”

- “The department is authorized to implement variable rate tolls on high-occupancy toll lanes or express lanes. “
- “Except for high-occupancy toll lanes or express lanes, tolls may not be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.”
- “This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.”

Section 27 (s. 338.2216, F.S.)

- **Directs the Florida Turnpike Enterprise to pursue and implement new technologies and processes in its operations and collection of tolls and provides specific guidance related to retail vendor contracting.**
 - “The Florida Turnpike Enterprise is directed to pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes shall include, without limitation, video billing and variable pricing.”

Section 30 (s. 339.12, F.S.)

- **Increases from \$100 to \$250 million the existing total amount of agreements FDOT may enter into at any time with local governments for projects or project phases not included in the adopted work program.**
 - “The department may enter into agreements under this subsection with any county that has a population of 150,000 or less as determined by the most recent official estimate ... for a project or project phase not included in the adopted work program.”
 - “The term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases.”
 - “The project or project phase must be a high priority of the governmental entity.”
 - “Reimbursement for a project or project phase must be made from funds appropriated by the Legislature...”
 - “The total amount of project agreements for projects or project phases not included in the adopted work program authorized by this paragraph may not at any time exceed \$200 million.”

- “The project must be included in the local government's adopted comprehensive plan.”
- “The department is authorized to enter into long-term repayment agreements of up to 30 years.”

Section 31 (s. 339.135, F.S.)

- **Requires FDOT to notify each affected county, each municipality within the county, and each affected MPO when it proposes any amendment to the adopted work program that would delete or defer a construction phase on a capacity project.**
 - “Whenever the department proposes any amendment to the adopted work program ... which deletes or defers a construction phase on a capacity project, it shall notify each county affected by the amendment and each municipality within the county.”
 - “The notification shall be issued in writing to the chief elected official of each affected county, each municipality within the county, and the chair of each affected metropolitan planning organization.
 - “Each affected county and each municipality in the county, is encouraged to coordinate with each other to determine how the amendment effects local concurrency management and regional transportation planning efforts.”
 - “Each affected county, and each municipality within the county, shall have 14 days to provide written comments to the department regarding how the amendment will effect its respective concurrency management systems, including whether any development permits were issued contingent upon the capacity improvement, if applicable.”
 - “After receipt of written comments from the affected local governments, the department shall include any written comments submitted by such local governments in its preparation of the proposed amendment.”
 - Following the 14-day comment period ... it [the Department] shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairs of the legislative appropriations committees, the chairs of the legislative transportation committees, and each member of the Legislature who represents a district affected by the proposed amendment. It shall also notify, each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment, unless it provided to each the notification required by subparagraph 1.”

- “The Governor shall not approve a proposed amendment until 14 days following the notification ...”
- “If either of the chairs of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment.”

Section 32 (s. 339.155, F.S.)

- **Makes technical changes to requirements for the development of the Florida Transportation Plan. The bill deletes a listing of planning factors that states are required to follow to avoid the need for repeated statutory change each time the federal factors are revised. The bill also deletes the short-range component of the long-range plan and the annual performance report requirements from state law.**

Section 33 (s. 339.2816, F.S.)

- **Resumes funding of the Small County Road Assistance Program, currently set to expire in fiscal year 2009-2010, beginning with fiscal year 2012-2013. The bill also revises the criteria for counties eligible to participate in the program by deleting any reference to ad valorem millage rate and adding as a criterion whether a road is located in a fiscally constrained county.**

Section 37 (s. 348.0003, F.S.)

- **Requires members of each expressway, transportation, bridge, or toll authority created pursuant to chs. 343, 348, or 349, F.S., to comply with the financial disclosure requirements of s. 8, Art. II of the State Constitution.**

Section 38 (s. 348.0004, F.S.)

- **Authorize expressway authorities created pursuant to ch. 348, F.S., to index toll rates on toll facilities to the annual Consumer Price Index or similar inflation indicators.**
 - “Notwithstanding any other provision of law, expressway authorities created under parts I-X of chapter 348 may index toll rates on toll facilities to the annual Consumer Price Index or similar inflation indicators.
 - “Once a toll rate index has been implemented ... the toll rate index shall remain in place and may not be revoked.”

- “Toll rate index for inflation ... must be adopted and approved by the expressway authority board at a public meeting and may be made no more frequently than once a year and must be made no less frequently than once every 5 years as necessary to accommodate cash toll rate schedules.”
- “Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to department administrative rule.”

Section 46 (s. 120.52, F.S.)

- **Excludes from the definition of “agency” any transportation authority created under ch. 343, F.S. for the purposes of the Administrative Procedure Act.**

Section 47 (no statute number assigned to date)

- **Directs FDOT to establish an approved transportation methodology which recognizes that a planned, sustainable development of regional impact will likely achieve an internal capture rate greater than 30% when fully developed.**
 - “The Legislature directs the Department of Transportation to establish an approved transportation methodology which recognizes that a planned, sustainable development of regional impact will likely achieve an internal capture rate greater than 30 percent when fully developed.”
 - “The transportation methodology must use a regional transportation model that incorporates professionally accepted modeling techniques applicable to well-planned, sustainable communities of the size, location, mix of uses, and design features consistent with such communities.
 - “The adopted transportation methodology shall serve as the basis for sustainable development traffic impact assessments by the department.
 - “The methodology review must be completed and in use by March 1, 2009.”

**Summary of Other Items of Interest to MPOs Included in Bills Passed by the
2008 Florida Legislature**

Energy Bill (HB 7135)

Section 4 (s. 186.007 , F.S.)

- **Adds “energy” and “global climate change” to the program areas that the Executive Office of the Governor may include in the state comprehensive plan and expands the air quality, energy, and land use goals in the state comprehensive plan.**

Section 23 (s. 286.29 , F.S.)

- **Creates rules and guidance relating to climate-friendly public business practices.**
 - “The Department of Management Services shall develop the "Florida Climate-Friendly Preferred Products List." In maintaining that list, the department, in consultation with the Department of Environmental Protection, shall continually assess products currently available for purchase under state term contracts to identify specific products and vendors that offer clear energy efficiency or other environmental benefits over competing products. When procuring products from state term contracts, state agencies shall first consult the Florida Climate-Friendly Preferred Products List and procure such products if the price is comparable.”
 - “Effective July 1, 2008, state agencies shall contract for meeting and conference space only with hotels or conference facilities that have received the "Green Lodging" designation from the Department of Environmental Protection for best practices in water, energy, and waste efficiency standards, unless the responsible state agency head makes a determination that no other viable alternative exists. The Department of Environmental Protection is authorized to adopt rules to implement the "Green Lodging" program.”

Section 30 (s. 339.175 , F.S.)

- **Amends the existing MPO statute to include “greenhouse gas emissions” as a specific consideration in MPO planning practice.**
 - “It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, and air pollution, and greenhouse gas emissions through metropolitan transportation planning processes...”

- “Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions.” (please note that the section language pertains to the preparation of long-range transportation plans)

Building Code Standards Bill (HB 697)

Section 2 (s. 163.3177, F.S.)

- **Requires local government comprehensive plan elements to discourage urban sprawl, promote energy-efficient land use patterns and the use of renewable energy resources, and incorporate transportation strategies to address greenhouse gas reductions.**
 - “The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.”

Pedestrian Safety Bill (SB 154)

Section 1 (s. 316.075 & 316.130, F.S.)

- **Requires a driver to stop at certain intersections to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk.**
 - “The driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.”
 - “The driver of a vehicle at an intersection that has a traffic control signal in place shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.”
 - “The driver of a vehicle at any crosswalk where signage so indicates shall stop and remain stopped to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.”
 - “When traffic control signals are not in place or in operation and there is no signage indicating otherwise, the driver of a vehicle shall yield the right-of-way,

slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.”

Transportation Disadvantaged Services Bill (HB 1175)

Section 6 (s.427.015, F.S.)

- **Clarifies the role of the MPO in the Transportation Disadvantaged statutes.**
 - “Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency member department may not serve as the community transportation coordinator in any designated service area.”
 - “Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures ~~an estimate~~ of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15, ~~the beginning of each fiscal year~~, to the commission.”

Section 7 (s.427.0155, F.S.)

- **Adds the development of eligibility guidelines to the powers and duties of the community transportation coordinators in the Transportation Disadvantaged statutes.**
 - “In cooperation with the coordinating board and pursuant to criteria developed by the Commission for the Transportation Disadvantaged, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.”

Section 8 (s.427.0157, F.S.)

- **Adds assisting in the development of eligibility guidelines to the powers and duties of the transportation disadvantaged coordinating boards in the Transportation Disadvantaged statutes.**
 - “Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.”

Financial Impact of Legislation

The recently completed Legislative Session ended with passage of three bills which could negatively impact funding levels in the Amended Tentative Work Program.

- **CS for SB 1882** amends s. 201.15 F.S. to reduce the amount of documentary stamp proceeds received by the FDOT from \$541.75 million per year to 38.2% of documentary stamp proceeds remaining after other take downs or \$541.75 million per year, whichever is less.

The cash impact of CS for SB 1882 based on the March Revenue Estimating Conference per year would be (in millions):

FY09	FY10	FY11	FY12	FY13	FY14
(\$302.2)	(\$266.3)	(\$189.9)	(\$112.7)	(\$59.4)	(\$18.9)

For a total cash impact of \$949.1 million through FY 2013-14.

- **HB 5067** amends s. 320.06 and 320.0805 F.S. to redirect the \$2 processing fee for personalized prestige license plates (specialty plates) and the 50 cent reflective material fee from the State Transportation Trust Fund to the Highway Safety Operating Trust Fund. This bill also “notwithstands” the requirement that 15% of certain revenues from the State Transportation Trust Fund be used for Public Transportation.

The cash impact of HB 5067 based on the March Revenue Estimating Conference per year would be (in millions):

FY09	FY10	FY11	FY12	FY13	FY14
(\$12.6)	(\$12.9)	(\$13.2)	(\$13.5)	(\$13.8)	(\$14.1)

For a cash impact of \$80.1 million through FY 2013-14.

- **CS for HB 1027** amends s 320.089 to redirect an additional \$100,000 annually from Motor Vehicle License fees to the State Homes for Veterans Trust Fund. This represents a minor reduction to cash for the annual \$100,000.