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A bill to be entitled
 An act relating to the Florida Interlocal Cooperation Act of 1969; repealing s. 163.01, F.S., which created the act; amending ss. 112.215, 120.52, 153.91, 163.3171, 186.504, 186.505, 218.32, 218.415, 243.54, 287.0943, 288.9603, 288.9605, 288.9606, 315.02, 315.03, 320.08058, 320.20, 339.175, 369.255, 373.1962, 373.1963, 373.4592, 403.0893, 403.706, 421.11, 445.007, 682.02, and 1013.355, F.S., to delete references to s. 163.01, F.S.; repealing s. 125.325, F.S., relating to authorization of loans to public agencies; repealing s. 166.0495, F.S., relating to interlocal agreements to provide law enforcement services; providing an effective date.

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

Section 1. Section 163.01, Florida Statutes, is repealed.

Section 2. Subsection (14) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.--

(14) This subsection may not impair an existing contract. In each county that has one or more constitutional county officers, the board of county commissioners and the constitutional county officers shall negotiate a joint deferred compensation program for all their respective employees ~~under s. 163.01~~. If all parties to the negotiation cannot agree upon a joint deferred compensation program, the provisions of subsection (5) apply.



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30 Section 3. Subsections (1) and (12) of section 120.52,
 31 Florida Statutes, are amended to read:

32 120.52 Definitions.--As used in this act:

33 (1) "Agency" means:

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

36 (b) Each:

37 1. State officer and state department, and each
 38 departmental unit described in s. 20.04.

39 2. Authority, including a regional water supply authority.

40 3. Board.

41 4. Commission, including the Commission on Ethics and the
 42 Fish and Wildlife Conservation Commission when acting pursuant
 43 to statutory authority derived from the Legislature.

44 5. Regional planning agency.

45 6. Multicounty special district with a majority of its
 46 governing board comprised of nonelected persons.

47 7. Educational units.

48 8. Entity described in chapters 163, 373, 380, and 582 and
 49 s. 186.504.

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

54
 55 This definition does not include any legal entity or agency
 56 created in whole or in part pursuant to chapter 361, part II, an
 57 expressway authority pursuant to chapter 348, ~~any legal or~~
 58 ~~administrative entity created by an interlocal agreement~~
 59 ~~pursuant to s. 163.01(7), unless any party to such agreement is~~



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60 ~~otherwise an agency as defined in this subsection,~~ or any
 61 multicounty special district with a majority of its governing
 62 board comprised of elected persons; however, this definition
 63 shall include a regional water supply authority.

64 (12) "Party" means:

65 (a) Specifically named persons whose substantial interests
 66 are being determined in the proceeding.

67 (b) Any other person who, as a matter of constitutional
 68 right, provision of statute, or provision of agency regulation,
 69 is entitled to participate in whole or in part in the
 70 proceeding, or whose substantial interests will be affected by
 71 proposed agency action, and who makes an appearance as a party.

72 (c) Any other person, including an agency staff member,
 73 allowed by the agency to intervene or participate in the
 74 proceeding as a party. An agency may by rule authorize limited
 75 forms of participation in agency proceedings for persons who are
 76 not eligible to become parties.

77 (d) Any county representative, agency, department, or unit
 78 funded and authorized by state statute or county ordinance to
 79 represent the interests of the consumers of a county, when the
 80 proceeding involves the substantial interests of a significant
 81 number of residents of the county and the board of county
 82 commissioners has, by resolution, authorized the representative,
 83 agency, department, or unit to represent the class of interested
 84 persons. The authorizing resolution shall apply to a specific
 85 proceeding and to appeals and ancillary proceedings thereto, and
 86 it shall not be required to state the names of the persons whose
 87 interests are to be represented.

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89 The term "party" does not include a member government of a
 90 regional water supply authority or a governmental or quasi-
 91 judicial board or commission established by local ordinance or
 92 special or general law where the governing membership of such
 93 board or commission is shared with, in whole or in part, or
 94 appointed by a member government of a regional water supply
 95 authority in proceedings under s. 120.569, s. 120.57, or s.
 96 120.68, to the extent that an interlocal agreement under s. ss-
 97 ~~163.01~~ and 373.1962 exists in which the member government has
 98 agreed that its substantial interests are not affected by the
 99 proceedings or that it is to be bound by alternative dispute
 100 resolution in lieu of participating in the proceedings. This
 101 exclusion applies only to those particular types of disputes or
 102 controversies, if any, identified in an interlocal agreement.

103 Section 4. Section 125.325, Florida Statutes, is repealed.

104 Section 5. Subsections (3), (4), and (5) of section
 105 153.91, Florida Statutes, are renumbered as subsections (2),
 106 (3), and (4), respectively, and present subsection (2) of said
 107 section is amended to read:

108 153.91 Definitions.--As used in this act, the term:

109 ~~(2) "Interlocal agreement" means an agreement entered into~~
 110 ~~pursuant to s. 163.01 by two or more public entities in respect~~
 111 ~~to a wastewater facility privatization contract.~~

112 Section 6. Subsection (3) of section 163.3171, Florida
 113 Statutes, is amended to read:

114 163.3171 Areas of authority under this act.--

115 (3) Combinations of municipalities within a county, or
 116 counties, or an incorporated municipality or municipalities and
 117 a county or counties, or an incorporated municipality or
 118 municipalities and portions of a county or counties may jointly



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119 exercise the powers granted under the provisions of this act
 120 upon formal adoption of an official agreement by the governing
 121 bodies involved pursuant to law. No such official agreement
 122 shall be adopted by the governing bodies involved until a public
 123 hearing on the subject with public notice has been held by each
 124 governing body involved. ~~The general administration of any joint~~
 125 ~~agreement shall be governed by the provisions of s. 163.01~~
 126 ~~except that when there is conflict with this act the provisions~~
 127 ~~of this act shall govern.~~

128 Section 7. Section 166.0495, Florida Statutes, is
 129 repealed.

130 Section 8. Subsection (6) of section 186.504, Florida
 131 Statutes, is amended to read:

132 186.504 Regional planning councils; creation;
 133 membership.--

134 (6) The existing regional planning council in each of the
 135 several comprehensive planning districts shall be designated as
 136 the regional planning council specified under subsections (1)-
 137 (5), provided the council agrees to meet the membership criteria
 138 specified therein and is a regional planning council organized
 139 under either ~~s. 163.01~~ or s. 163.02 or ss. 186.501-186.515.

140 Section 9. Subsections (15) through (25) of section
 141 186.505, Florida Statutes, are renumbered as subsections (14)
 142 through (24), respectively, and present subsection (14) of said
 143 section is amended to read:

144 186.505 Regional planning councils; powers and
 145 duties.--Any regional planning council created hereunder shall
 146 have the following powers:

147 ~~(14) To dispose of any property acquired through the~~
 148 ~~execution of an interlocal agreement under s. 163.01.~~



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149 Section 10. Paragraph (c) of subsection (1) of section
 150 218.32, Florida Statutes, is amended to read:

151 218.32 Annual financial reports; local governmental
 152 entities.--

153 (1)

154 (c) Each regional planning council created under s.
 155 186.504 and, each local government finance commission, board, or
 156 council, ~~and each municipal power corporation created as a~~
 157 ~~separate legal or administrative entity by interlocal agreement~~
 158 ~~under s. 163.01(7)~~ shall submit to the department a copy of its
 159 audit report and an annual financial report for the previous
 160 fiscal year in a format prescribed by the department.

161 Section 11. Paragraph (a) of subsection (16) and paragraph
 162 (a) of subsection (17) of section 218.415, Florida Statutes, are
 163 amended to read:

164 218.415 Local government investment policies.--Investment
 165 activity by a unit of local government must be consistent with a
 166 written investment plan adopted by the governing body, or in the
 167 absence of the existence of a governing body, the respective
 168 principal officer of the unit of local government and maintained
 169 by the unit of local government or, in the alternative, such
 170 activity must be conducted in accordance with subsection (17).
 171 Any such unit of local government shall have an investment
 172 policy for any public funds in excess of the amounts needed to
 173 meet current expenses as provided in subsections (1)-(16), or
 174 shall meet the alternative investment guidelines contained in
 175 subsection (17). Such policies shall be structured to place the
 176 highest priority on the safety of principal and liquidity of
 177 funds. The optimization of investment returns shall be secondary
 178 to the requirements for safety and liquidity. Each unit of local



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179 government shall adopt policies that are commensurate with the
 180 nature and size of the public funds within its custody.

181 (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT
 182 POLICIES.--Those units of local government electing to adopt a
 183 written investment policy as provided in subsections (1)-(15)
 184 may by resolution invest and reinvest any surplus public funds
 185 in their control or possession in:

186 (a) The Local Government Surplus Funds Trust Fund ~~or any~~
 187 ~~intergovernmental investment pool authorized pursuant to the~~
 188 ~~Florida Interlocal Cooperation Act as provided in s. 163.01.~~

189 (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT
 190 POLICY.--Those units of local government electing not to adopt a
 191 written investment policy in accordance with investment policies
 192 developed as provided in subsections (1)-(15) may invest or
 193 reinvest any surplus public funds in their control or possession
 194 in:

195 (a) The Local Government Surplus Funds Trust Fund, ~~or any~~
 196 ~~intergovernmental investment pool authorized pursuant to the~~
 197 ~~Florida Interlocal Cooperation Act, as provided in s. 163.01.~~

198
 199 The securities listed in paragraphs (c) and (d) shall be
 200 invested to provide sufficient liquidity to pay obligations as
 201 they come due.

202 Section 12. Subsection (6) of section 243.54, Florida
 203 Statutes, is amended to read:

204 243.54 Powers of the authority.--The purpose of the
 205 authority is to assist institutions of higher education in
 206 constructing, financing, and refinancing projects throughout the
 207 state and, for this purpose, the authority may:



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208 (6) Make and execute financing agreements, leases, as
 209 lessee or as lessor, contracts, deeds, and other instruments
 210 necessary or convenient in the exercise of the powers and
 211 functions of the authority, including contracts with persons,
 212 firms, corporations, federal and state agencies, and other
 213 authorities, which state agencies and other authorities are
 214 authorized to enter into contracts and otherwise cooperate with
 215 the authority to facilitate the financing, construction,
 216 leasing, or sale of any project or the institution of any
 217 program; and engage in sale-leaseback, lease-purchase, lease-
 218 leaseback, or other undertakings and provide for the sale of
 219 certificates of participation incident thereto; ~~and enter into~~
 220 ~~interlocal agreements in the manner provided in s. 163.01.~~

221 Section 13. Paragraph (g) of subsection (2) of section
 222 287.0943, Florida Statutes, is amended to read:

223 287.0943 Certification of minority business enterprises.--

224 (2)

225 (g) The certification criteria approved by the task force
 226 and adopted by the Department of Management Services shall be
 227 included in a statewide and interlocal agreement as defined in
 228 s. 287.09431 and, ~~in accordance with s. 163.01,~~ shall be
 229 executed according to the terms included therein.

230 Section 14. Subsection (14) of section 288.9603, Florida
 231 Statutes, is renumbered as subsection (13), and present
 232 subsection (13) of said section is amended to read:

233 288.9603 Definitions.--

234 ~~(13) "Interlocal agreement" means an agreement by and~~
 235 ~~between the Florida Development Finance Corporation and a public~~
 236 ~~agency of this state, pursuant to the provisions of s. 163.01.~~



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237 Section 15. Paragraphs (f) through (w) of subsection (2)
 238 of section 288.9605, Florida Statutes, are redesignated as
 239 paragraphs (e) through (v), respectively, and present paragraph
 240 (e) of subsection (2) of said section is amended to read:

241 288.9605 Corporation powers.--

242 (2) The corporation is authorized and empowered to:

243 ~~(e) Enter into interlocal agreements pursuant to s.~~

244 ~~163.01(7) with public agencies of this state for the exercise of~~
 245 ~~any power, privilege, or authority consistent with the purposes~~
 246 ~~of this act.~~

247 Section 16. Subsection (1) of section 288.9606, Florida
 248 Statutes, is amended to read:

249 288.9606 Issue of revenue bonds.--

250 ~~(1) When authorized by a public agency pursuant to s.~~

251 ~~163.01(7)~~, The corporation has power in its corporate capacity,
 252 in its discretion, to issue revenue bonds or other evidences of
 253 indebtedness which a public agency has the power to issue, from
 254 time to time to finance the undertaking of any purpose of this
 255 act and ss. 288.707-288.714, including, without limiting the
 256 generality thereof, the payment of principal and interest upon
 257 any advances for surveys and plans or preliminary loans, and has
 258 the power to issue refunding bonds for the payment or retirement
 259 of bonds previously issued. Bonds issued pursuant to this
 260 section shall bear the name "Florida Development Finance
 261 Corporation Revenue Bonds." The security for such bonds may be
 262 based upon such revenues as are legally available. In
 263 anticipation of the sale of such revenue bonds, the corporation
 264 may issue bond anticipation notes and may renew such notes from
 265 time to time, but the maximum maturity of any such note,
 266 including renewals thereof, may not exceed 5 years from the date



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267 of issuance of the original note. Such notes shall be paid from
 268 any revenues of the corporation available therefor and not
 269 otherwise pledged or from the proceeds of sale of the revenue
 270 bonds in anticipation of which they were issued. Any bond, note,
 271 or other form of indebtedness issued pursuant to this act shall
 272 mature no later than the end of the 30th fiscal year after the
 273 fiscal year in which the bond, note, or other form of
 274 indebtedness was issued.

275 Section 17. Subsection (4) of section 315.02, Florida
 276 Statutes, is amended to read:

277 315.02 Definitions.--As used in this law, the following
 278 words and terms shall have the following meanings:

279 (4) The word "unit" shall mean any county, port district,
 280 port authority, or municipality or any governmental unit ~~created~~
 281 ~~pursuant to s. 163.01(7)(d)~~ that includes at least one deepwater
 282 port as listed in s. 403.021(9)(b).

283 Section 18. Subsection (11) and paragraph (a) of
 284 subsection (12) of section 315.03, Florida Statutes, are amended
 285 to read:

286 315.03 Grant of powers.--Each unit is hereby authorized
 287 and empowered:

288 (11) To accept loans or grants of money or materials or
 289 property at any time from the United States or the State of
 290 Florida or any agency, instrumentality, or subdivision thereof,
 291 or to participate in loan guarantees or lines of credit provided
 292 by the United States, upon such terms and conditions as the
 293 United States, the State of Florida, or such agency,
 294 instrumentality, or subdivision may impose. ~~Any entity created~~
 295 ~~pursuant to s. 163.01(7)(d) that involves at least one deepwater~~
 296 ~~port may participate in the provisions of this subsection, with~~



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297 ~~oversight by the Florida Seaport Transportation and Economic~~
 298 ~~Development Council.~~

299 (12)(a) To pay interest or other financing-related costs
 300 on federal loan guarantees, lines of credit, or secured direct
 301 loans issued to finance eligible projects. ~~Any entity created~~
 302 ~~pursuant to s. 163.01(7)(d) that involves at least one deepwater~~
 303 ~~port may participate in the provisions of this subsection, with~~
 304 ~~oversight by the Florida Seaport Transportation and Economic~~
 305 ~~Development Council, and may establish a loan program that would~~
 306 ~~provide for the reuse of loan proceeds for similar program~~
 307 ~~purposes.~~

308 Section 19. Paragraph (b) of subsection (27) of section
 309 320.08058, Florida Statutes, is amended to read:

310 320.08058 Specialty license plates.--

311 (27) TAMPA BAY ESTUARY LICENSE PLATES.--

312 (b) The annual use fees shall be distributed to the Tampa
 313 Bay Estuary Program ~~created by s. 163.01.~~

314 1. A maximum of 5 percent of such fees may be used for
 315 marketing the plate.

316 2. Twenty percent of the proceeds from the annual use fee,
 317 not to exceed \$50,000, shall be provided to the Tampa Bay
 318 Regional Planning Council for activities of the Agency on Bay
 319 Management implementing the Council/Agency Action Plan for the
 320 restoration of the Tampa Bay estuary, as approved by the Tampa
 321 Bay Estuary Program Policy Board.

322 3. The remaining proceeds must be used to implement the
 323 Comprehensive Conservation and Management Plan for Tampa Bay,
 324 pursuant to priorities approved by the Tampa Bay Estuary Program
 325 Policy Board.



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326 Section 20. Subsections (3) and (4) of section 320.20,
 327 Florida Statutes, are amended to read:

328 320.20 Disposition of license tax moneys.--The revenue
 329 derived from the registration of motor vehicles, including any
 330 delinquent fees and excluding those revenues collected and
 331 distributed under the provisions of s. 320.081, must be
 332 distributed monthly, as collected, as follows:

333 (3) Notwithstanding any other provision of law except
 334 subsections (1) and (2), on July 1, 1996, and annually
 335 thereafter, \$15 million shall be deposited in the State
 336 Transportation Trust Fund solely for the purposes of funding the
 337 Florida Seaport Transportation and Economic Development Program
 338 as provided for in chapter 311. Such revenues shall be
 339 distributed on a 50-50 matching basis to any port listed in s.
 340 311.09(1) to be used for funding projects as described in s.
 341 311.07(3)(b). Such revenues may be assigned, pledged, or set
 342 aside as a trust for the payment of principal or interest on
 343 bonds, tax anticipation certificates, or any other form of
 344 indebtedness issued by an individual port or appropriate local
 345 government having jurisdiction thereof, or collectively by
 346 interlocal agreement among any of the ports, or used to purchase
 347 credit support to permit such borrowings. However, such debt
 348 shall not constitute a general obligation of the State of
 349 Florida. The state does hereby covenant with holders of such
 350 revenue bonds or other instruments of indebtedness issued
 351 hereunder that it will not repeal or impair or amend in any
 352 manner which will materially and adversely affect the rights of
 353 such holders so long as bonds authorized by this section are
 354 outstanding. Any revenues which are not pledged to the repayment
 355 of bonds as authorized by this section may be utilized for



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356 purposes authorized under the Florida Seaport Transportation and
357 Economic Development Program. This revenue source is in addition
358 to any amounts provided for and appropriated in accordance with
359 s. 311.07. The Florida Seaport Transportation and Economic
360 Development Council shall approve distribution of funds to ports
361 for projects which have been approved pursuant to s. 311.09(5)-
362 (9). The council and the Department of Transportation are
363 authorized to perform such acts as are required to facilitate
364 and implement the provisions of this subsection. To better
365 enable the ports to cooperate to their mutual advantage, the
366 governing body of each port may exercise powers provided to
367 municipalities or counties ~~in s. 163.01(7)(d)~~ subject to the
368 provisions of chapter 311 and special acts, if any, pertaining
369 to a port. The use of funds provided pursuant to this subsection
370 are limited to eligible projects listed in this subsection.
371 Income derived from a project completed with the use of program
372 funds, beyond operating costs and debt service, shall be
373 restricted to further port capital improvements consistent with
374 maritime purposes and for no other purpose. Use of such income
375 for nonmaritime purposes is prohibited. The provisions of s.
376 311.07(4) do not apply to any funds received pursuant to this
377 subsection. The revenues available under this subsection shall
378 not be pledged to the payment of any bonds other than the
379 Florida Ports Financing Commission Series 1996 and Series 1999
380 Bonds currently outstanding; provided, however, such revenues
381 may be pledged to secure payment of refunding bonds to refinance
382 the Florida Ports Financing Commission Series 1996 and Series
383 1999 Bonds. No refunding bonds secured by revenues available
384 under this subsection may be issued with a final maturity later
385 than the final maturity of the Florida Ports Financing



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386 Commission Series 1996 and Series 1999 Bonds or which provide
387 for higher debt service in any year than is currently payable on
388 such bonds. Any revenue bonds or other indebtedness issued after
389 July 1, 2000, other than refunding bonds shall be issued by the
390 Division of Bond Finance at the request of the Department of
391 Transportation pursuant to the State Bond Act.

392 (4) Notwithstanding any other provision of law except
393 subsections (1), (2), and (3), on July 1, 1999, and annually
394 thereafter, \$10 million shall be deposited in the State
395 Transportation Trust Fund solely for the purposes of funding the
396 Florida Seaport Transportation and Economic Development Program
397 as provided in chapter 311 and for funding seaport intermodal
398 access projects of statewide significance as provided in s.
399 341.053. Such revenues shall be distributed to any port listed
400 in s. 311.09(1), to be used for funding projects as follows:

401 (a) For any seaport intermodal access projects that are
402 identified in the 1997-1998 Tentative Work Program of the
403 Department of Transportation, up to the amounts needed to offset
404 the funding requirements of this section.

405 (b) For seaport intermodal access projects as described in
406 s. 341.053(5) that are identified in the 5-year Florida Seaport
407 Mission Plan as provided in s. 311.09(3). Funding for such
408 projects shall be on a matching basis as mutually determined by
409 the Florida Seaport Transportation and Economic Development
410 Council and the Department of Transportation, provided a minimum
411 of 25 percent of total project funds shall come from any port
412 funds, local funds, private funds, or specifically earmarked
413 federal funds.

414 (c) On a 50-50 matching basis for projects as described in
415 s. 311.07(3)(b).



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416 (d) For seaport intermodal access projects that involve
417 the dredging or deepening of channels, turning basins, or
418 harbors; or the rehabilitation of wharves, docks, or similar
419 structures. Funding for such projects shall require a 25 percent
420 match of the funds received pursuant to this subsection.
421 Matching funds shall come from any port funds, federal funds,
422 local funds, or private funds.

423
424 Such revenues may be assigned, pledged, or set aside as a trust
425 for the payment of principal or interest on bonds, tax
426 anticipation certificates, or any other form of indebtedness
427 issued by an individual port or appropriate local government
428 having jurisdiction thereof, or collectively by interlocal
429 agreement among any of the ports, or used to purchase credit
430 support to permit such borrowings. However, such debt shall not
431 constitute a general obligation of the state. This state does
432 hereby covenant with holders of such revenue bonds or other
433 instruments of indebtedness issued hereunder that it will not
434 repeal or impair or amend this subsection in any manner which
435 will materially and adversely affect the rights of holders so
436 long as bonds authorized by this subsection are outstanding. Any
437 revenues that are not pledged to the repayment of bonds as
438 authorized by this section may be utilized for purposes
439 authorized under the Florida Seaport Transportation and Economic
440 Development Program. This revenue source is in addition to any
441 amounts provided for and appropriated in accordance with s.
442 311.07 and subsection (3). The Florida Seaport Transportation
443 and Economic Development Council shall approve distribution of
444 funds to ports for projects that have been approved pursuant to
445 s. 311.09(5)-(9), or for seaport intermodal access projects



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446 identified in the 5-year Florida Seaport Mission Plan as
447 provided in s. 311.09(3) and mutually agreed upon by the FSTED
448 Council and the Department of Transportation. All contracts for
449 actual construction of projects authorized by this subsection
450 must include a provision encouraging employment of participants
451 in the welfare transition program. The goal for employment of
452 participants in the welfare transition program is 25 percent of
453 all new employees employed specifically for the project, unless
454 the Department of Transportation and the Florida Seaport
455 Transportation and Economic Development Council demonstrate that
456 such a requirement would severely hamper the successful
457 completion of the project. In such an instance, Workforce
458 Florida, Inc., shall establish an appropriate percentage of
459 employees that must be participants in the welfare transition
460 program. The council and the Department of Transportation are
461 authorized to perform such acts as are required to facilitate
462 and implement the provisions of this subsection. To better
463 enable the ports to cooperate to their mutual advantage, the
464 governing body of each port may exercise powers provided to
465 municipalities or counties ~~in s. 163.01(7)(d)~~ subject to the
466 provisions of chapter 311 and special acts, if any, pertaining
467 to a port. The use of funds provided pursuant to this subsection
468 is limited to eligible projects listed in this subsection. The
469 provisions of s. 311.07(4) do not apply to any funds received
470 pursuant to this subsection. The revenues available under this
471 subsection shall not be pledged to the payment of any bonds
472 other than the Florida Ports Financing Commission Series 1996
473 and Series 1999 Bonds currently outstanding; provided, however,
474 such revenues may be pledged to secure payment of refunding
475 bonds to refinance the Florida Ports Financing Commission Series



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476 1996 and Series 1999 Bonds. No refunding bonds secured by
477 revenues available under this subsection may be issued with a
478 final maturity later than the final maturity of the Florida
479 Ports Financing Commission Series 1996 and Series 1999 Bonds or
480 which provide for higher debt service in any year than is
481 currently payable on such bonds. Any revenue bonds or other
482 indebtedness issued after July 1, 2000, other than refunding
483 bonds shall be issued by the Division of Bond Finance at the
484 request of the Department of Transportation pursuant to the
485 State Bond Act.

486 Section 21. Paragraph (b) of subsection (1) and subsection
487 (5) of section 339.175, Florida Statutes, are amended to read:

488 339.175 Metropolitan planning organization.--It is the
489 intent of the Legislature to encourage and promote the safe and
490 efficient management, operation, and development of surface
491 transportation systems that will serve the mobility needs of
492 people and freight within and through urbanized areas of this
493 state while minimizing transportation-related fuel consumption
494 and air pollution. To accomplish these objectives, metropolitan
495 planning organizations, referred to in this section as M.P.O.'s,
496 shall develop, in cooperation with the state and public transit
497 operators, transportation plans and programs for metropolitan
498 areas. The plans and programs for each metropolitan area must
499 provide for the development and integrated management and
500 operation of transportation systems and facilities, including
501 pedestrian walkways and bicycle transportation facilities that
502 will function as an intermodal transportation system for the
503 metropolitan area, based upon the prevailing principles provided
504 in s. 334.046(1). The process for developing such plans and
505 programs shall provide for consideration of all modes of



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506 transportation and shall be continuing, cooperative, and
 507 comprehensive, to the degree appropriate, based on the
 508 complexity of the transportation problems to be addressed.

509 (1) DESIGNATION.--

510 (b) Each M.P.O. shall be created and operated under the
 511 provisions of this section ~~pursuant to an interlocal agreement~~
 512 ~~entered into pursuant to s. 163.01~~. The signatories to the
 513 interlocal agreement shall be the department and the
 514 governmental entities designated by the Governor for membership
 515 on the M.P.O. ~~If there is a conflict between this section and s.~~
 516 ~~163.01, this section prevails.~~

517
 518 Each M.P.O. required under this section must be fully operative
 519 no later than 6 months following its designation.

520 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 521 privileges, and authority of an M.P.O. are those specified in
 522 this section ~~or incorporated in an interlocal agreement~~
 523 ~~authorized under s. 163.01~~. Each M.P.O. shall perform all acts
 524 required by federal or state laws or rules, now and subsequently
 525 applicable, which are necessary to qualify for federal aid. It
 526 is the intent of this section that each M.P.O. shall be involved
 527 in the planning and programming of transportation facilities,
 528 including, but not limited to, airports, intercity and high-
 529 speed rail lines, seaports, and intermodal facilities, to the
 530 extent permitted by state or federal law.

531 (a) Each M.P.O. shall, in cooperation with the department,
 532 develop:

533 1. A long-range transportation plan pursuant to the
 534 requirements of subsection (6);



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535 2. An annually updated transportation improvement program
 536 pursuant to the requirements of subsection (7); and

537 3. An annual unified planning work program pursuant to the
 538 requirements of subsection (8).

539 (b) In developing the long-range transportation plan and
 540 the transportation improvement program required under paragraph
 541 (a), each M.P.O. shall provide for consideration of projects and
 542 strategies that will:

543 1. Support the economic vitality of the metropolitan area,
 544 especially by enabling global competitiveness, productivity, and
 545 efficiency;

546 2. Increase the safety and security of the transportation
 547 system for motorized and nonmotorized users;

548 3. Increase the accessibility and mobility options
 549 available to people and for freight;

550 4. Protect and enhance the environment, promote energy
 551 conservation, and improve quality of life;

552 5. Enhance the integration and connectivity of the
 553 transportation system, across and between modes, for people and
 554 freight;

555 6. Promote efficient system management and operation; and

556 7. Emphasize the preservation of the existing
 557 transportation system.

558 (c) In order to provide recommendations to the department
 559 and local governmental entities regarding transportation plans
 560 and programs, each M.P.O. shall:

561 1. Prepare a congestion management system for the
 562 metropolitan area and cooperate with the department in the
 563 development of all other transportation management systems
 564 required by state or federal law;



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565 2. Assist the department in mapping transportation
566 planning boundaries required by state or federal law;

567 3. Assist the department in performing its duties relating
568 to access management, functional classification of roads, and
569 data collection;

570 4. Execute all agreements or certifications necessary to
571 comply with applicable state or federal law;

572 5. Represent all the jurisdictional areas within the
573 metropolitan area in the formulation of transportation plans and
574 programs required by this section; and

575 6. Perform all other duties required by state or federal
576 law.

577 (d) Each M.P.O. shall appoint a technical advisory
578 committee that includes planners; engineers; representatives of
579 local aviation authorities, port authorities, and public transit
580 authorities or representatives of aviation departments, seaport
581 departments, and public transit departments of municipal or
582 county governments, as applicable; the school superintendent of
583 each county within the jurisdiction of the M.P.O. or the
584 superintendent's designee; and other appropriate representatives
585 of affected local governments. In addition to any other duties
586 assigned to it by the M.P.O. or by state or federal law, the
587 technical advisory committee is responsible for considering safe
588 access to schools in its review of transportation project
589 priorities, long-range transportation plans, and transportation
590 improvement programs, and shall advise the M.P.O. on such
591 matters. In addition, the technical advisory committee shall
592 coordinate its actions with local school boards and other local
593 programs and organizations within the metropolitan area which
594 participate in school safety activities, such as locally



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595 established community traffic safety teams. Local school boards
 596 must provide the appropriate M.P.O. with information concerning
 597 future school sites and in the coordination of transportation
 598 service.

599 (e)1. Each M.P.O. shall appoint a citizens' advisory
 600 committee, the members of which serve at the pleasure of the
 601 M.P.O. The membership on the citizens' advisory committee must
 602 reflect a broad cross section of local residents with an
 603 interest in the development of an efficient, safe, and cost-
 604 effective transportation system. Minorities, the elderly, and
 605 the handicapped must be adequately represented.

606 2. Notwithstanding the provisions of subparagraph 1., an
 607 M.P.O. may, with the approval of the department and the
 608 applicable federal governmental agency, adopt an alternative
 609 program or mechanism to ensure citizen involvement in the
 610 transportation planning process.

611 (f) The department shall allocate to each M.P.O., for the
 612 purpose of accomplishing its transportation planning and
 613 programming duties, an appropriate amount of federal
 614 transportation planning funds.

615 (g) Each M.P.O. may employ personnel or may enter into
 616 contracts with local or state agencies, private planning firms,
 617 or private engineering firms to accomplish its transportation
 618 planning and programming duties required by state or federal
 619 law.

620 (h) Any group of M.P.O.'s which has created a chair's
 621 coordinating committee as of the effective date of this act and
 622 is located within the same Department of Transportation District
 623 which is comprised of four adjacent M.P.O.'s must continue such
 624 committee as provided for in this section. Such committee must



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625 also include one representative from each M.P.O. contiguous to
 626 the geographic boundaries of the original committee. The
 627 committee must, at a minimum:

- 628 1. Coordinate transportation projects deemed to be
 629 regionally significant by the committee.
- 630 2. Review the impact of regionally significant land use
 631 decisions on the region.
- 632 3. Review all proposed regionally significant
 633 transportation projects in the respective transportation
 634 improvement programs which affect more than one of the M.P.O.'s
 635 represented on the committee.
- 636 4. Institute a conflict resolution process to address any
 637 conflict that may arise in the planning and programming of such
 638 regionally significant projects.

639 Section 22. Subsection (2) of section 369.255, Florida
 640 Statutes, is amended to read:

641 369.255 Green utility ordinances for funding greenspace
 642 management and exotic plant control.--

643 (2) In addition to any other funding mechanisms legally
 644 available to counties and municipalities to control invasive,
 645 nonindigenous aquatic or upland plants and manage urban forest
 646 resources, a county or municipality may create one or more green
 647 utilities or adopt fees sufficient to plan, restore, and manage
 648 urban forest resources, greenways, forest preserves, wetlands,
 649 and other aquatic zones and create a stewardship grant program
 650 for private natural areas. Counties or municipalities may
 651 create, alone or in cooperation with other counties or
 652 municipalities ~~pursuant to the Florida Interlocal Cooperation~~
 653 ~~Act, s. 163.01~~, one or more greenspace management districts to
 654 fund the planning, management, operation, and administration of



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655 a greenspace management program. The fees shall be collected on
656 a voluntary basis as set forth by the county or municipality and
657 calculated to generate sufficient funds to plan, manage,
658 operate, and administer a greenspace management program. Private
659 natural areas assessed according to s. 193.501 would qualify for
660 stewardship grants.

661 Section 23. Subsections (1) and (2) of section 373.1962,
662 Florida Statutes, are amended to read:

663 373.1962 Regional water supply authorities.--

664 (1) By agreement between local governmental units created
665 or existing pursuant to the provisions of Art. VIII of the State
666 Constitution, ~~pursuant to the Florida Interlocal Cooperation Act~~
667 ~~of 1969, s. 163.01~~, and upon the approval of the Secretary of
668 Environmental Protection to ensure that such agreement will be
669 in the public interest and complies with the intent and purposes
670 of this act, regional water supply authorities may be created
671 for the purpose of developing, recovering, storing, and
672 supplying water for county or municipal purposes in such a
673 manner as will give priority to reducing adverse environmental
674 effects of excessive or improper withdrawals of water from
675 concentrated areas. In approving said agreement the Secretary of
676 Environmental Protection shall consider, but not be limited to,
677 the following:

678 (a) Whether the geographic territory of the proposed
679 authority is of sufficient size and character to reduce the
680 environmental effects of improper or excessive withdrawals of
681 water from concentrated areas.

682 (b) The maximization of economic development of the water
683 resources within the territory of the proposed authority.



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684 (c) The availability of a dependable and adequate water
685 supply.

686 (d) The ability of any proposed authority to design,
687 construct, operate, and maintain water supply facilities in the
688 locations, and at the times necessary, to ensure that an
689 adequate water supply will be available to all citizens within
690 the authority.

691 (e) The effect or impact of any proposed authority on any
692 municipality, county, or existing authority or authorities.

693 (f) The existing needs of the water users within the area
694 of the authority.

695 (2) In addition to other powers and duties agreed upon,
696 ~~and notwithstanding the provisions of s. 163.01,~~ such authority
697 may:

698 (a) Upon approval of the electors residing in each county
699 or municipality within the territory to be included in any
700 authority, levy ad valorem taxes, not to exceed 0.5 mill,
701 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
702 authorized by this paragraph shall be levied in any county or
703 municipality without an affirmative vote of the electors
704 residing in such county or municipality.

705 (b) Acquire water and water rights; develop, store, and
706 transport water; provide, sell and deliver water for county or
707 municipal uses and purposes; provide for the furnishing of such
708 water and water service upon terms and conditions and at rates
709 which will apportion to parties and nonparties an equitable
710 share of the capital cost and operating expense of the
711 authority's work to the purchaser.

712 (c) Collect, treat, and recover wastewater.

713 (d) Not engage in local distribution.



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714 (e) Exercise the power of eminent domain in the manner
715 provided by law for the condemnation of private property for
716 public use to acquire title to such interest in real property as
717 is necessary to the exercise of the powers herein granted,
718 except water and water rights already devoted to reasonable and
719 beneficial use or any water production or transmission
720 facilities owned by any county or municipality.

721 (f) Issue revenue bonds in the manner prescribed by the
722 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
723 payable solely from funds derived from the sale of water by the
724 authority to any county or municipality. Such bonds may be
725 additionally secured by the full faith and credit of any county
726 or municipality, as provided by s. 159.16 or by a pledge of
727 excise taxes, as provided by s. 159.19. For the purpose of
728 issuing revenue bonds, an authority shall be considered a "unit"
729 as defined in s. 159.02(2) and as that term is used in the
730 Revenue Bond Act of 1953, as amended. Such bonds may be issued
731 to finance the cost of acquiring properties and facilities for
732 the production and transmission of water by the authority to any
733 county or municipality, which cost shall include the acquisition
734 of real property and easements therein for such purposes. Such
735 bonds may be in the form of refunding bonds to take up any
736 outstanding bonds of the authority or of any county or
737 municipality where such outstanding bonds are secured by
738 properties and facilities for production and transmission of
739 water, which properties and facilities are being acquired by the
740 authority. Refunding bonds may be issued to take up and refund
741 all outstanding bonds of said authority that are subject to call
742 and termination, and all bonds of said authority that are not
743 subject to call or redemption, when the surrender of said bonds



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744 can be procured from the holder thereof at prices satisfactory
 745 to the authority. Such refunding bonds may be issued at any time
 746 when, in the judgment of the authority, it will be to the best
 747 interest of the authority financially or economically by
 748 securing a lower rate of interest on said bonds or by extending
 749 the time of maturity of said bonds or, for any other reason, in
 750 the judgment of the authority, advantageous to said authority.

751 (g) Sue and be sued in its own name.

752 (h) Borrow money and incur indebtedness and issue bonds or
 753 other evidence of such indebtedness.

754 (i) Join with one or more other public corporations for
 755 the purpose of carrying out any of its powers and for that
 756 purpose to contract with such other public corporation or
 757 corporations for the purpose of financing such acquisitions,
 758 construction, and operations. Such contracts may provide for
 759 contributions to be made by each party thereto, for the division
 760 and apportionment of the expenses of such acquisitions and
 761 operations, and for the division and apportionment of the
 762 benefits, services, and products therefrom. Such contract may
 763 contain such other and further covenants and agreements as may
 764 be necessary and convenient to accomplish the purposes hereof.

765 Section 24. Paragraph (b) of subsection (1) of section
 766 373.1963, Florida Statutes, is amended to read:

767 373.1963 Assistance to West Coast Regional Water Supply
 768 Authority.--

769 (1) It is the intent of the Legislature to authorize the
 770 implementation of changes in governance recommended by the West
 771 Coast Regional Water Supply Authority in its reports to the
 772 Legislature dated February 1, 1997, and January 5, 1998. The
 773 authority and its member governments may reconstitute the



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774 authority's governance and rename the authority under a
 775 voluntary interlocal agreement with a term of not less than 20
 776 years. The interlocal agreement must comply with this subsection
 777 as follows:

778 (b) In accordance with s. 4, Art. VIII of the State
 779 Constitution ~~and notwithstanding s. 163.01~~, the interlocal
 780 agreement may include the following terms, which are considered
 781 approved by the parties without a vote of their electors, upon
 782 execution of the interlocal agreement by all member governments
 783 and upon satisfaction of all conditions precedent in the
 784 interlocal agreement:

785 1. All member governments shall relinquish to the
 786 authority their individual rights to develop potable water
 787 supply sources, except as otherwise provided in the interlocal
 788 agreement;

789 2. The authority shall be the sole and exclusive wholesale
 790 potable water supplier for all member governments; and

791 3. The authority shall have the absolute and unequivocal
 792 obligation to meet the wholesale needs of the member governments
 793 for potable water.

794 4. A member government may not restrict or prohibit the
 795 use of land within a member's jurisdictional boundaries by the
 796 authority for water supply purposes through use of zoning, land
 797 use, comprehensive planning, or other form of regulation.

798 5. A member government may not impose any tax, fee, or
 799 charge upon the authority in conjunction with the production or
 800 supply of water not otherwise provided for in the interlocal
 801 agreement.

802 6. The authority may use the powers provided in part II of
 803 chapter 159 for financing and refinancing water treatment,



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804 production, or transmission facilities, including, but not
 805 limited to, desalinization facilities. All such water treatment,
 806 production, or transmission facilities are considered a
 807 "manufacturing plant" for purposes of s. 159.27(5) and serve a
 808 paramount public purpose by providing water to citizens of the
 809 state.

810 7. A member government and any governmental or quasi-
 811 judicial board or commission established by local ordinance or
 812 general or special law where the governing membership of such
 813 board or commission is shared, in whole or in part, or appointed
 814 by a member government agreeing to be bound by the interlocal
 815 agreement shall be limited to the procedures set forth therein
 816 regarding actions that directly or indirectly restrict or
 817 prohibit the use of lands or other activities related to the
 818 production or supply of water.

819 Section 25. Paragraph (a) of subsection (8) of section
 820 373.4592, Florida Statutes, is amended to read:

821 373.4592 Everglades improvement and management.--

822 (8) SPECIAL ASSESSMENTS.--

823 (a) In addition to any other legally available funding
 824 mechanism, the district may create, alone or in cooperation with
 825 counties, municipalities, and special districts ~~pursuant to s.~~
 826 ~~163.01, the Florida Interlocal Cooperation Act of 1969,~~ one or
 827 more stormwater management system benefit areas including
 828 property located outside the EAA and the C-139 Basin, and
 829 property located within the EAA and the C-139 Basin that is not
 830 subject to the Everglades agricultural privilege tax or the C-
 831 139 agricultural privilege tax. The district may levy special
 832 assessments within said benefit areas to fund the planning,
 833 acquisition, construction, financing, operation, maintenance,



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834 and administration of stormwater management systems for the
835 benefited areas. Any benefit area in which property owners
836 receive substantially different levels of stormwater management
837 system benefits shall include stormwater management system
838 benefit subareas within which different per acreage assessments
839 shall be levied from subarea to subarea based upon a reasonable
840 relationship to benefits received. The assessments shall be
841 calculated to generate sufficient funds to plan, acquire,
842 construct, finance, operate, and maintain the stormwater
843 management systems authorized pursuant to this section.

844 Section 26. Subsection (3) of section 403.0893, Florida
845 Statutes, is amended to read:

846 403.0893 Stormwater funding; dedicated funds for
847 stormwater management.--In addition to any other funding
848 mechanism legally available to local government to construct,
849 operate, or maintain stormwater systems, a county or
850 municipality may:

851 (3) Create, alone or in cooperation with counties,
852 municipalities, and special districts ~~pursuant to the Interlocal~~
853 ~~Cooperation Act, s. 163.01~~, one or more stormwater management
854 system benefit areas. All property owners within said area may
855 be assessed a per acreage fee to fund the planning,
856 construction, operation, maintenance, and administration of a
857 public stormwater management system for the benefited area. Any
858 benefit area containing different land uses which receive
859 substantially different levels of stormwater benefits shall
860 include stormwater management system benefit subareas which
861 shall be assessed different per acreage fees from subarea to
862 subarea based upon a reasonable relationship to benefits
863 received. The fees shall be calculated to generate sufficient



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864 funds to plan, construct, operate, and maintain stormwater
865 management systems called for in the local program required
866 pursuant to s. 403.0891(3). For fees assessed pursuant to this
867 section, counties or municipalities may use the non-ad valorem
868 levy, collection, and enforcement method as provided for in
869 chapter 197.

870 Section 27. Subsections (3) and (12) of section 403.706,
871 Florida Statutes, are amended to read:

872 403.706 Local government solid waste responsibilities.--

873 (3) Each county shall ensure, to the maximum extent
874 possible, that municipalities within its boundaries participate
875 in the preparation and implementation of recycling and solid
876 waste management programs ~~through interlocal agreements pursuant~~
877 ~~to s. 163.01 or other means provided by law.~~ Nothing in a
878 county's solid waste management or recycling program shall
879 affect the authority of a municipality to franchise or otherwise
880 provide for the collection of solid waste generated within the
881 boundaries of the municipality.

882 (12) It is the policy of the state that a county and its
883 municipalities may jointly determine, ~~through an interlocal~~
884 ~~agreement pursuant to s. 163.01 or~~ by requesting the passage of
885 special legislation, which local governmental agency shall
886 administer a solid waste management or recycling program.

887 Section 28. Subsection (2) of section 421.11, Florida
888 Statutes, is amended to read:

889 421.11 Cooperation of authorities.--

890 (2) Any county housing authority may enter into an
891 interlocal agreement with one or more local governing bodies
892 ~~pursuant to the provisions of s. 163.01, the Florida Interlocal~~
893 ~~Cooperation Act of 1969,~~ with respect to projects or programs



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894 located within the county or an adjacent county, and any city
895 housing authority may enter into such agreement with respect to
896 projects or programs located within the county, provided that no
897 power granted an authority under s. 421.08 may be reserved to or
898 exercised by a local governing body under such agreement.

899 Section 29. Paragraph (b) of subsection (4) of section
900 445.007, Florida Statutes, is amended to read:

901 445.007 Regional workforce boards; exemption from public
902 meetings law.--

903 (4) In addition to the duties and functions specified by
904 Workforce Florida, Inc., and by the interlocal agreement
905 approved by the local county or city governing bodies, the
906 regional workforce board shall have the following
907 responsibilities:

908 (b) Conclude agreements necessary to designate the fiscal
909 agent and administrative entity. A public or private entity,
910 ~~including an entity established pursuant to s. 163.01,~~ which
911 makes a majority of the appointments to a regional workforce
912 board may serve as the board's administrative entity if approved
913 by Workforce Florida, Inc., based upon a showing that a fair and
914 competitive process was used to select the administrative
915 entity.

916 Section 30. Section 682.02, Florida Statutes, is amended
917 to read:

918 682.02 Arbitration agreements made valid, irrevocable, and
919 enforceable; scope.--Two or more parties may agree in writing to
920 submit to arbitration any controversy existing between them at
921 the time of the agreement, or they may include in a written
922 contract a provision for the settlement by arbitration of any
923 controversy thereafter arising between them relating to such



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924 contract or the failure or refusal to perform the whole or any
 925 part thereof. This section also applies to written interlocal
 926 agreements under s. ss. 163.01 and 373.1962 in which two or more
 927 parties agree to submit to arbitration any controversy between
 928 them concerning water use permit applications and other matters,
 929 regardless of whether or not the water management district with
 930 jurisdiction over the subject application is a party to the
 931 interlocal agreement or a participant in the arbitration. Such
 932 agreement or provision shall be valid, enforceable, and
 933 irrevocable without regard to the justiciable character of the
 934 controversy; provided that this act shall not apply to any such
 935 agreement or provision to arbitrate in which it is stipulated
 936 that this law shall not apply or to any arbitration or award
 937 thereunder.

938 Section 31. Paragraph (a) of subsection (3) of section
 939 1013.355, Florida Statutes, is amended to read:

940 1013.355 Educational facilities benefit districts.--

941 (3)(a) An educational facilities benefit district may be
 942 created pursuant to this act and chapters 125, 163, 166, and
 943 189. An educational facilities benefit district charter may be
 944 created by a county or municipality by entering into an
 945 interlocal agreement, ~~as authorized by s. 163.01,~~ with the
 946 district school board and any local general purpose government
 947 within whose jurisdiction a portion of the district is located
 948 and adoption of an ordinance that includes all provisions
 949 contained within s. 189.4041. The creating entity shall be the
 950 local general purpose government within whose boundaries a
 951 majority of the educational facilities benefit district's lands
 952 are located.



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953 Section 32. This act shall take effect upon becoming a
954 law.