

By the Committees on Governmental Oversight and Productivity;
Transportation; and Senator Sebesta

585-2485-06

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 112.061, F.S.; authorizing metropolitan
4 planning organizations and certain separate
5 entities to establish per diem and travel
6 reimbursement rates; amending s. 121.021, F.S.;
7 revising the definition of "local agency
8 employer" to include metropolitan planning
9 organizations and certain separate entities for
10 purposes of the Florida Retirement System Act;
11 revising the definition of "regularly
12 established position" to include positions in
13 metropolitan planning organizations; amending
14 s. 121.051, F.S.; providing for metropolitan
15 planning organizations to participate in the
16 Florida Retirement System; amending s. 121.055,
17 F.S.; requiring certain metropolitan planning
18 organization and similar entity staff positions
19 to be in the Senior Management Service Class of
20 the Florida Retirement System; amending s.
21 121.061, F.S.; providing for enforcement of
22 certain employer funding contributions required
23 under the Florida Retirement System;
24 authorizing deductions of amounts owed from
25 certain funds distributed to a metropolitan
26 planning organization; authorizing the
27 governing body of a metropolitan planning
28 organization to file and maintain an action in
29 court to require an employer to remit
30 retirement or social security member
31 contributions or employer matching payments;

1 amending s. 121.081, F.S.; providing for
2 metropolitan planning organization officers and
3 staff to claim past service for retirement
4 benefits; creating s. 336.68, F.S.; providing
5 that a property owner having real property
6 located within the boundaries of a community
7 development district and a special road and
8 bridge district may select the community
9 development district to be the provider of the
10 road and drainage improvements to the property
11 of the owner; authorizing the owner of the
12 property to withdraw the property from the
13 special road and bridge district; specifying
14 the procedures and criteria required in order
15 to remove the real property from the special
16 road and bridge district; authorizing the
17 governing body of the special road and bridge
18 district to file a written objection to the
19 proposed withdrawal of the property; amending
20 s. 339.155, F.S.; authorizing the development
21 of additional regional transportation plans by
22 regional transportation planning organizations
23 in certain areas; providing membership
24 requirements for regional transportation
25 planning organizations comprising
26 representatives of transportation planning and
27 economic development interests within a region;
28 authorizing a regional transportation planning
29 organization to be expanded upon agreement of
30 the regional transportation authority and
31 representatives of the area to be expanded

1 into, or mode to be included; providing for the
2 development of by-laws and establishing minimum
3 terms for certain members of the regional
4 transportation authority; creating the Bay Area
5 Transportation Regional Planning Organization
6 in Hernando, Hillsborough, Manatee, Pasco,
7 Pinellas, Polk, and Sarasota Counties,
8 comprised of representatives of transportation
9 planning and economic development interests
10 within the region; authorizing the Bay Area
11 Regional Transportation Planning Organization
12 to be expanded upon agreement of the regional
13 transportation authority and of the area to be
14 expanded into, or mode to be included;
15 providing for the development of by-laws and
16 establishing minimum terms for certain members
17 of the regional transportation representatives
18 authority; precluding regional transportation
19 organization members from compensation;
20 providing an appropriation; amending s.
21 339.2819, F.S.; providing that the
22 Transportation Regional Incentive Program may
23 fund up to 75 percent of costs for projects
24 identified in a regional transportation plan
25 developed by a regional transportation planning
26 organization; amending s. 339.175, F.S.;
27 specifying that a metropolitan planning
28 organization is a separate legal entity
29 independent of entities represented on the
30 M.P.O. and signatories to the agreement
31 creating the M.P.O.; providing for transfer of

1 responsibilities and liabilities to the new
2 M.P.O. upon execution of a new interlocal
3 agreement by the governmental entities
4 constituting the M.P.O.; providing for
5 selection of certain officers and an agency
6 clerk; revising requirements for voting
7 membership; specifying that certain
8 constitutional officers are not elected
9 officials of a general-purpose local government
10 for voting membership purposes; establishing a
11 process for appointing alternate members;
12 revising provisions for nonvoting advisers;
13 revising provisions for employment of staff by
14 an M.P.O.; providing for training of certain
15 persons who serve on an M.P.O. for certain
16 purposes; providing additional powers and
17 duties of M.P.O.'s; revising voting
18 requirements for approval of certain plans and
19 programs and amendments thereto; requiring the
20 Florida Transportation Commission to conduct a
21 study of the progress made by M.P.O.'s to
22 establish improved coordinated transportation
23 planning processes; requiring a report;
24 detailing the issues the report must consider;
25 requiring that the report be submitted to the
26 Governor and the Legislature by a specified
27 date; amending s. 20.23, F.S.; providing that
28 the salary and benefits of the executive
29 director of the Florida Transportation
30 Commission shall be set in accordance with the
31 Senior Management Service; amending s. 332.007,

1 F.S.; authorizing the Department of
2 Transportation to provide funds for certain
3 general aviation projects under certain
4 circumstances; amending s. 332.007, F.S.,
5 relating to the administration and financing of
6 aviation and airport operational and
7 maintenance projects of publicly owned
8 airports; changing the expiration date of the
9 financial programs to the year 2012 from 2007;
10 amending s. 212.055, F.S.; redesignating the
11 charter county transit system surtax as the
12 charter county transportation system surtax;
13 providing that the proposal to adopt such a
14 discretionary sales surtax and create a trust
15 fund may be placed on the ballot pursuant to an
16 initiative petition if the county charter so
17 provides; providing additional purposes for
18 which the proceeds from the surtax may be used;
19 allowing counties that are not charter counties
20 to levy, by ordinance, a county transportation
21 system surtax; requiring that a discretionary
22 sales surtax that is to be adopted by
23 referendum be placed on the ballot at a time
24 set at the discretion of the governing body of
25 a county; requiring that the proceeds from a
26 surtax be distributed to a county and to each
27 municipality within the county according to an
28 interlocal agreement or an apportionment
29 factor; providing that the proceeds from the
30 surtax be used for certain purposes as
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1 considered appropriate by the county
2 commission; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (14) of section 112.061, Florida
7 Statutes, is amended to read:

8 112.061 Per diem and travel expenses of public
9 officers, employees, and authorized persons.--

10 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,
11 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

12 (a) Rates that exceed the maximum travel reimbursement
13 rates for nonstate travelers specified in paragraph (6)(a) for
14 per diem, in paragraph (6)(b) for subsistence, and in
15 subparagraph (7)(d)1. for mileage may be established by:

16 1. The governing body of a county by the enactment of
17 an ordinance or resolution;

18 2. A county constitutional officer, pursuant to s.
19 1(d), Art. VIII of the State Constitution, by the
20 establishment of written policy;

21 3. The governing body of a district school board by
22 the adoption of rules; ~~or~~

23 4. The governing body of a special district, as
24 defined in s. 189.403(1), except those special districts that
25 are subject to s. 166.021(10), by the enactment of a
26 resolution; or

27 5. Any metropolitan planning organization created
28 pursuant to s. 339.175, or any separate legal or
29 administrative entity created pursuant to s. 339.175 of which
30 a metropolitan planning organization is a member, by enactment
31 of a resolution.

1 (b) Rates established pursuant to paragraph (a) must
2 apply uniformly to all travel by the county, county
3 constitutional officer and entity governed by that officer,
4 district school board, ~~or~~ special district, or metropolitan
5 planning organization.

6 (c) Except as otherwise provided in this subsection,
7 counties, county constitutional officers and entities governed
8 by those officers, district school boards, and special
9 districts, other than those subject to s. 166.021(10), remain
10 subject to the requirements of this section.

11 Section 2. Paragraph (a) of subsection (42) and
12 paragraph (b) of subsection (52) of section 121.021, Florida
13 Statutes, are amended to read:

14 121.021 Definitions.--The following words and phrases
15 as used in this chapter have the respective meanings set forth
16 unless a different meaning is plainly required by the context:

17 (42)(a) "Local agency employer" means the board of
18 county commissioners or other legislative governing body of a
19 county, however styled, including that of a consolidated or
20 metropolitan government; a clerk of the circuit court,
21 sheriff, property appraiser, tax collector, or supervisor of
22 elections, provided such officer is elected or has been
23 appointed to fill a vacancy in an elective office; a community
24 college board of trustees or district school board; or the
25 governing body of any city, metropolitan planning organization
26 created pursuant to s. 339.175, or any separate legal or
27 administrative entity created pursuant to s. 339.175, or
28 special district of the state which participates in the system
29 for the benefit of certain of its employees.

30 (52) "Regularly established position" is defined as
31 follows:

1 (b) In a local agency (district school board, county
2 agency, community college, city, metropolitan planning
3 organization, or special district), the term means a regularly
4 established position which will be in existence for a period
5 beyond 6 consecutive months, except as provided by rule.

6 Section 3. Paragraph (b) of subsection (2) of section
7 121.051, Florida Statutes, is amended to read:

8 121.051 Participation in the system.--

9 (2) OPTIONAL PARTICIPATION.--

10 (b)1. The governing body of any municipality,
11 metropolitan planning organization, or special district in the
12 state may elect to participate in the system upon proper
13 application to the administrator and may cover all or any of
14 its units as approved by the Secretary of Health and Human
15 Services and the administrator. The department shall adopt
16 rules establishing provisions for the submission of documents
17 necessary for such application. Prior to being approved for
18 participation in the Florida Retirement System, the governing
19 body of any such municipality, metropolitan planning
20 organization, or special district that has a local retirement
21 system shall submit to the administrator a certified financial
22 statement showing the condition of the local retirement system
23 as of a date within 3 months prior to the proposed effective
24 date of membership in the Florida Retirement System. The
25 statement must be certified by a recognized accounting firm
26 that is independent of the local retirement system. All
27 required documents necessary for extending Florida Retirement
28 System coverage must be received by the department for
29 consideration at least 15 days prior to the proposed effective
30 date of coverage. If the municipality, metropolitan planning
31 organization, or special district does not comply with this

1 requirement, the department may require that the effective
2 date of coverage be changed.

3 2. Any city, metropolitan planning organization, or
4 special district that has an existing retirement system
5 covering the employees in the units that are to be brought
6 under the Florida Retirement System may participate only after
7 holding a referendum in which all employees in the affected
8 units have the right to participate. Only those employees
9 electing coverage under the Florida Retirement System by
10 affirmative vote in said referendum shall be eligible for
11 coverage under this chapter, and those not participating or
12 electing not to be covered by the Florida Retirement System
13 shall remain in their present systems and shall not be
14 eligible for coverage under this chapter. After the referendum
15 is held, all future employees shall be compulsory members of
16 the Florida Retirement System.

17 3. The governing body of any city, metropolitan
18 planning organization, or special district complying with
19 subparagraph 1. may elect to provide, or not provide, benefits
20 based on past service of officers and employees as described
21 in s. 121.081(1). However, if such employer elects to provide
22 past service benefits, such benefits must be provided for all
23 officers and employees of its covered group.

24 4. Once this election is made and approved it may not
25 be revoked, except pursuant to subparagraphs 5. and 6., and
26 all present officers and employees electing coverage under
27 this chapter and all future officers and employees shall be
28 compulsory members of the Florida Retirement System.

29 5. Subject to the conditions set forth in subparagraph
30 6., the governing body of any hospital licensed under chapter
31 395 which is governed by the board of a special district as

1 defined in s. 189.403(1) or by the board of trustees of a
2 public health trust created under s. 154.07, hereinafter
3 referred to as "hospital district," and which participates in
4 the system, may elect to cease participation in the system
5 with regard to future employees in accordance with the
6 following procedure:

7 a. No more than 30 days and at least 7 days before
8 adopting a resolution to partially withdraw from the Florida
9 Retirement System and establish an alternative retirement plan
10 for future employees, a public hearing must be held on the
11 proposed withdrawal and proposed alternative plan.

12 b. From 7 to 15 days before such hearing, notice of
13 intent to withdraw, specifying the time and place of the
14 hearing, must be provided in writing to employees of the
15 hospital district proposing partial withdrawal and must be
16 published in a newspaper of general circulation in the area
17 affected, as provided by ss. 50.011-50.031. Proof of
18 publication of such notice shall be submitted to the
19 Department of Management Services.

20 c. The governing body of any hospital district seeking
21 to partially withdraw from the system must, before such
22 hearing, have an actuarial report prepared and certified by an
23 enrolled actuary, as defined in s. 112.625(3), illustrating
24 the cost to the hospital district of providing, through the
25 retirement plan that the hospital district is to adopt,
26 benefits for new employees comparable to those provided under
27 the Florida Retirement System.

28 d. Upon meeting all applicable requirements of this
29 subparagraph, and subject to the conditions set forth in
30 subparagraph 6., partial withdrawal from the system and
31 adoption of the alternative retirement plan may be

1 accomplished by resolution duly adopted by the hospital
2 district board. The hospital district board must provide
3 written notice of such withdrawal to the division by mailing a
4 copy of the resolution to the division, postmarked no later
5 than December 15, 1995. The withdrawal shall take effect
6 January 1, 1996.

7 6. Following the adoption of a resolution under
8 sub-subparagraph 5.d., all employees of the withdrawing
9 hospital district who were participants in the Florida
10 Retirement System prior to January 1, 1996, shall remain as
11 participants in the system for as long as they are employees
12 of the hospital district, and all rights, duties, and
13 obligations between the hospital district, the system, and the
14 employees shall remain in full force and effect. Any employee
15 who is hired or appointed on or after January 1, 1996, may not
16 participate in the Florida Retirement System, and the
17 withdrawing hospital district shall have no obligation to the
18 system with respect to such employees.

19 Section 4. Paragraph (1) is added to subsection (1) of
20 section 121.055, Florida Statutes, to read:

21 121.055 Senior Management Service Class.--There is
22 hereby established a separate class of membership within the
23 Florida Retirement System to be known as the "Senior
24 Management Service Class," which shall become effective
25 February 1, 1987.

26 (1)

27 (1) For each metropolitan planning organization that
28 has opted to become part of the Florida Retirement System,
29 participation in the Senior Management Service Class shall be
30 compulsory for the executive director or staff director of
31

1 that metropolitan planning organization or similar entity
2 created pursuant to s. 339.175.

3 Section 5. Paragraphs (a) and (c) of subsection (2) of
4 section 121.061, Florida Statutes, are amended to read:

5 121.061 Funding.--

6 (2)(a) Should any employer other than a state employer
7 fail to make the retirement and social security contributions,
8 both member and employer contributions, required by this
9 chapter, then, upon request by the administrator, the
10 Department of Revenue or the Department of Financial Services,
11 as the case may be, shall deduct the amount owed by the
12 employer from any funds to be distributed by it to the county,
13 city, metropolitan planning organization, special district, or
14 consolidated form of government. The amounts so deducted shall
15 be transferred to the administrator for further distribution
16 to the trust funds in accordance with this chapter.

17 (c) The governing body of each county, city,
18 metropolitan planning organization, special district, or
19 consolidated form of government participating under this
20 chapter or the administrator, acting individually or jointly,
21 is hereby authorized to file and maintain an action in the
22 courts of the state to require any employer to remit any
23 retirement or social security member contributions or employer
24 matching payments due the retirement or social security trust
25 funds under the provisions of this chapter.

26 Section 6. Paragraphs (a), (b), and (e) of subsection
27 (1) of section 121.081, Florida Statutes, are amended to read:

28 121.081 Past service; prior service;

29 contributions.--Conditions under which past service or prior
30 service may be claimed and credited are:

31

1 (1)(a) Past service, as defined in s. 121.021(18), may
2 be claimed as creditable service by officers or employees of a
3 city, metropolitan planning organization, or special district
4 that become a covered group under this system. The governing
5 body of a covered group in compliance with s. 121.051(2)(b)
6 may elect to provide benefits with respect to past service
7 earned prior to January 1, 1975, in accordance with this
8 chapter, and the cost for such past service shall be
9 established by applying the following formula: The member
10 contribution for both regular and special risk members shall
11 be 4 percent of the gross annual salary for each year of past
12 service claimed, plus 4-percent employer matching
13 contribution, plus 4 percent interest thereon compounded
14 annually, figured on each year of past service, with interest
15 compounded from date of annual salary earned until July 1,
16 1975, and 6.5 percent interest compounded annually thereafter
17 until date of payment. Once the total cost for a member has
18 been figured to date, then after July 1, 1975, 6.5 percent
19 compounded interest shall be added each June 30 thereafter on
20 any unpaid balance until the cost of such past service
21 liability is paid in full. The following formula shall be used
22 in calculating past service earned prior to January 1, 1975:
23 (Annual gross salary multiplied by 8 percent) multiplied by
24 the 4 percent or 6.5 percent compound interest table factor,
25 as may be applicable. The resulting product equals cost to
26 date for each particular year of past service.

27 (b) Past service earned after January 1, 1975, may be
28 claimed by officers or employees of a city, metropolitan
29 planning organization, or special district that becomes a
30 covered group under this system. The governing body of a
31 covered group may elect to provide benefits with respect to

1 past service earned after January 1, 1975, in accordance with
2 this chapter, and the cost for such past service shall be
3 established by applying the following formula: The employer
4 shall contribute an amount equal to the contribution rate in
5 effect at the time the service was earned, multiplied by the
6 employee's gross salary for each year of past service claimed,
7 plus 6.5 percent interest thereon, compounded annually,
8 figured on each year of past service, with interest compounded
9 from date of annual salary earned until date of payment.

10 (e) Past service, as defined in s. 121.021(18), may be
11 claimed as creditable service by a member of the Florida
12 Retirement System who formerly was an officer or employee of a
13 city, metropolitan planning organization, or special district,
14 notwithstanding the status or form of the retirement system,
15 if any, of that city, metropolitan planning organization, or
16 special district and irrespective of whether officers or
17 employees of that city, metropolitan planning organization, or
18 special district now or hereafter become a covered group under
19 the Florida Retirement System. Such member may claim
20 creditable service and be entitled to the benefits accruing to
21 the regular class of members as provided for the past service
22 claimed under this paragraph by paying into the retirement
23 trust fund an amount equal to the total actuarial cost of
24 providing the additional benefit resulting from such
25 past-service credit, discounted by the applicable actuarial
26 factors to date of retirement.

27 Section 7. Section 336.68, Florida Statutes, is
28 created to read:

29 336.68 Special road and bridge district boundaries;
30 property owner's rights and options.--

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1 (1) An owner of real property that is located within
2 the boundaries of a community development district created
3 under chapter 190 and a special road and bridge district
4 created under former ss. 336.61-336.67 may select the
5 community development district to be the provider of the road
6 and drainage improvements to the property of the owner. After
7 making this selection, the property owner may withdraw the
8 property from the special road and bridge district using the
9 procedures set forth in this section.

10 (2) In order to be eligible to withdraw the property
11 from the special road and bridge district, the subject
12 property may not have received improvements or benefits from
13 the special road and bridge district, there must be no
14 outstanding bonded indebtedness of the special road and bridge
15 district for which the property is subject to ad valorem tax
16 levies, and the withdrawal of the property may not create an
17 enclave bounded on all sides by other property within the
18 boundaries of the special road and bridge district after the
19 property owner withdraws the property from the special road
20 and bridge district.

21 (3) If the property owner chooses to withdraw the
22 property from the special road and bridge district, the
23 property owner must file a certificate of withdrawal in the
24 official records of each county in which the property is
25 located. The certificate must identify the name and mailing
26 address of the owner, the legal description of the property,
27 the name of the district from which the property is being
28 withdrawn, and the general location of the property within the
29 district. The certificate must further state that the property
30 has not received benefits from the district from which the
31 property is to be withdrawn, that there is no bonded

1 indebtedness owed by the district, and that the property being
2 withdrawn will not become an enclave within the boundary of
3 the special road and bridge district.

4 (4) The property owner must provide a copy of the
5 recorded certificate to the governing body of the special road
6 and bridge district from which the property is being withdrawn
7 no later than 10 days after the certificate is filed with the
8 county. If the district objects to the withdrawal of the
9 property from the district, it must file a written objection
10 in each county where the property is located identifying the
11 withdrawal criteria that has not been satisfied. The objection
12 must be filed within 30 days after the certificate is
13 recorded. If an objection is not filed within the 30-day
14 period, the withdrawal of the property is deemed to be final,
15 and the property is permanently withdrawn from the boundary of
16 the special road and bridge district.

17 Section 8. Paragraph (c) of subsection (5) of section
18 339.155, Florida Statutes, is amended to read:

19 339.155 Transportation planning.--

20 (5) ADDITIONAL TRANSPORTATION PLANS.--

21 (c) Regional transportation plans may be developed in
22 regional transportation areas in accordance with an interlocal
23 agreement entered into pursuant to s. 163.01 by:

24 1. Two or more contiguous metropolitan planning
25 organizations; one or more metropolitan planning organizations
26 and one or more contiguous counties, none of which is a member
27 of a metropolitan planning organization; a multicounty
28 regional transportation authority created by or pursuant to
29 law; two or more contiguous counties that are not members of a
30 metropolitan planning organization; or metropolitan planning
31 organizations comprised of three or more counties; ~~and-~~

1 2. A regional transportation planning organization,
2 referred to as a RTPO. A RTPO may be formed in any
3 census-designated urbanized area of 1 million or more persons
4 to develop a regional transportation plan and to advise the
5 department regarding the programming of regional
6 transportation projects within the area.

7 a. Voting membership of the RTPO must include, but is
8 not limited to:

9 (I) A representative of the metropolitan planning
10 organizations serving the urbanized area. The member must be
11 an elected official and a member of a metropolitan planning
12 organization when elected and for the full extent of his or
13 her term on the board.

14 (II) A representative of the public economic
15 development agencies in the region who is not an elected
16 official but who is a resident and a qualified elector in the
17 region served by the RTPO.

18 (III) A representative of any private economic
19 development agency in the region who is not an elected
20 official but who is a resident and a qualified elector in the
21 region served by the RTPO.

22 (IV) A representative appointed by the Secretary of
23 Transportation, who shall be the district secretary, or his or
24 her designee, for each district, or part of a district, within
25 the region served by the RTPO.

26 (V) The executive director of the Turnpike Enterprise
27 or his or her designee.

28 (VI) A representative of the public transit providers,
29 as defined in chapter 341, operating within the region served
30 by the RTPO.

31

1 (VII) A representative of the airports designated as
2 strategic intermodal system facilities located within the
3 region served by the RTPPO.

4 (VIII) A representative of the affected seaports.
5 designated as strategic intermodal system facilities, located
6 in the region served by the RTPPO.

7 (IX) A representative of the rail lines, designated as
8 strategic intermodal system facilities, operating in the
9 region served by the RTPPO.

10 (X) A representative of the expressway or bridge
11 authority, created under chapter 348, operating in the region
12 served by the RTPPO.

13 (XI) The chair of the local legislative delegation.

14 b. The geographic area of the RTPPO may be expanded by
15 agreement of the voting membership of the organization and the
16 metropolitan planning organization serving the area to be
17 included, or board of county commissioners if no metropolitan
18 planning organization exists. Representatives of additional
19 transportation-related activities may be included by agreement
20 of the voting membership of the RTPPO.

21 c. The RTPPO shall develop by-laws that provide for the
22 election of a chair and terms of members. However, for the
23 members representing the collective bodies listed in
24 sub-sub-subparagraphs a.(I), (II), (III), (VI), (VII), (VIII),
25 (IX), and (X), the initial terms must be 2 years.

26 d. The voting members of the RTPPO are not entitled to
27 compensation, but shall be reimbursed for travel expenses
28 actually incurred in their duties as provided by law.

29 3. A regional transportation planning organization is
30 created to be known as the Bay Area Regional Transportation
31 Planning Organization. The purpose of the organization is to

1 develop a regional transportation plan and to advise the
2 department regarding the programming of regional
3 transportation projects within Hernando, Hillsborough,
4 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5 a. The voting membership of the organization consists
6 of the following members:

7 (I) A representative of the chair's coordinating
8 committee created under s. 339.175(5). The member must be an
9 elected official and a member of a metropolitan planning
10 organization when elected and for the full extent of his or
11 her term on the board.

12 (II) A representative of the Tampa Bay Partnership who
13 is not an elected official but who is a resident and a
14 qualified elector in the region served by the organization.

15 (III) A representative appointed by the Secretary of
16 Transportation, who shall be the district secretary, or his or
17 her designee, for each district or part of a district in the
18 counties served by the organization.

19 (IV) The executive director of the Turnpike Enterprise
20 or his or her designee.

21 (V) A representative of the Tampa Bay Commuter Transit
22 Authority.

23 (VI) A representative of the Tampa-Hillsborough County
24 Expressway Authority.

25 (VII) A representative of the Tampa Bay Regional
26 Planning Council.

27 (VIII) A representative of the airports, collectively
28 representing the interests of Tampa International Airport, St.
29 Petersburg/Clearwater International Airport, and
30 Sarasota/Bradenton International Airport.

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1 (IX) A representative collectively representing the
2 rail interests in the region.

3 (X) A representative collectively representing the
4 governing boards of the Port of Tampa, Port Manatee, and the
5 Port of St. Petersburg.

6 (XI) A representative collectively representing the
7 public economic development agencies representing Hernando,
8 Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota
9 Counties.

10 (XII) The chair of the Bay Area legislative
11 delegation.

12 b. The geographic area may be expanded by agreement of
13 the voting membership of the organization and the metropolitan
14 planning organization serving the area to be included, or the
15 board of county commissioners if no metropolitan planning
16 organization exists. Representatives of additional
17 transportation-related activities may be included by agreement
18 of the voting membership of the organization.

19 c. The organization shall develop by-laws that provide
20 for the election of a chair and terms of members. However, for
21 the members representing the collective bodies listed in
22 sub-sub-subparagraphs a.(I), (V), (VIII), (X), and (XI), the
23 initial terms must be 2 years.

24 d. The voting members of the organization are not
25 entitled to compensation, but shall be reimbursed for travel
26 expenses actually incurred in their duties as provided by law.

27 Section 9. The sum of \$100,000 in nonrecurring general
28 revenue is appropriated to the State Transportation Trust Fund
29 in the Department of Transportation for the purpose of funding
30 the Bay Area Regional Transportation Planning Organization for
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1 the purpose of transportation planning for the 2006-2007
2 fiscal year.

3 Section 10. Subsection (2) of section 339.2819,
4 Florida Statutes, is amended to read:

5 339.2819 Transportation Regional Incentive Program.--

6 (2)(a) For a public transportation facility project
7 identified in a regional transportation plan developed under
8 s. 339.155(5)(c)1., the percentage of matching funds provided
9 from the Transportation Regional Incentive Program shall be 50
10 percent of project costs, or up to 50 percent of the
11 nonfederal share of the eligible project cost ~~for a public~~
12 ~~transportation facility project.~~

13 (b) For a public transportation facility project
14 identified in a regional transportation plan developed under
15 s. 339.155(5)(c)2. or 3., by a regional transportation
16 planning organization, the percentage of matching funds
17 provided from the transportation regional incentive program
18 shall be 75 percent of project costs, or up to 75 percent of
19 the nonfederal share of the eligible project cost for the
20 public transportation facility project.

21 Section 11. Subsection (1), paragraphs (a) and (b) of
22 subsection (2), paragraphs (a) and (b) of subsection (3), and
23 subsections (5) and (12) of section 339.175, Florida Statutes,
24 are amended, to read:

25 339.175 Metropolitan planning organization.--It is the
26 intent of the Legislature to encourage and promote the safe
27 and efficient management, operation, and development of
28 surface transportation systems that will serve the mobility
29 needs of people and freight within and through urbanized areas
30 of this state while minimizing transportation-related fuel
31 consumption and air pollution. To accomplish these objectives,

1 metropolitan planning organizations, referred to in this
2 section as M.P.O.'s, shall develop, in cooperation with the
3 state and public transit operators, transportation plans and
4 programs for metropolitan areas. The plans and programs for
5 each metropolitan area must provide for the development and
6 integrated management and operation of transportation systems
7 and facilities, including pedestrian walkways and bicycle
8 transportation facilities that will function as an intermodal
9 transportation system for the metropolitan area, based upon
10 the prevailing principles provided in s. 334.046(1). The
11 process for developing such plans and programs shall provide
12 for consideration of all modes of transportation and shall be
13 continuing, cooperative, and comprehensive, to the degree
14 appropriate, based on the complexity of the transportation
15 problems to be addressed. To ensure that the process is
16 integrated with the statewide planning process, M.P.O.'s shall
17 develop plans and programs that identify transportation
18 facilities that should function as an integrated metropolitan
19 transportation system, giving emphasis to facilities that
20 serve important national, state, and regional transportation
21 functions. For the purposes of this section, those facilities
22 include the facilities on the Strategic Intermodal System
23 designated under s. 339.63 and facilities for which projects
24 have been identified pursuant to s. 339.2819(4).

25 (1) DESIGNATION.--

26 (a)1. An M.P.O. shall be designated for each urbanized
27 area of the state; however, this does not require that an
28 individual M.P.O. be designated for each such area. The ~~Such~~
29 designation shall be accomplished by agreement between the
30 Governor and units of general-purpose local government
31 representing at least 75 percent of the population of the

1 urbanized area; however, the unit of general-purpose local
2 government that represents the central city or cities within
3 the M.P.O. jurisdiction, as defined by the United States
4 Bureau of the Census, must be a party to the ~~such~~ agreement.

5 2. More than one M.P.O. may be designated within an
6 existing metropolitan planning area only if the Governor and
7 the existing M.P.O. determine that the size and complexity of
8 the existing metropolitan planning area makes the designation
9 of more than one M.P.O. for the area appropriate.

10 (b) Each M.P.O. required to be designated by Title 23
11 of the United States Code shall be created and operated under
12 the provisions of this section pursuant to an interlocal
13 agreement entered into pursuant to s. 163.01. The signatories
14 to the interlocal agreement shall be the department and the
15 governmental entities designated by the Governor for
16 membership on the M.P.O. Each M.P.O. is separate from the
17 state and the governing body of a local government which is
18 represented on the governing board of the M.P.O. or which is a
19 signatory to the interlocal agreement creating the M.P.O. The
20 M.P.O. has the powers and privileges that are provided to it
21 under s. 163.01. If there is a conflict between this section
22 and s. 163.01, this section prevails.

23 (c) The jurisdictional boundaries of an M.P.O. shall
24 be determined by agreement between the Governor and the
25 applicable M.P.O. The boundaries must include at least the
26 metropolitan planning area, which is the existing urbanized
27 area and the contiguous area expected to become urbanized
28 within a 20-year forecast period, and may encompass the entire
29 metropolitan statistical area or the consolidated metropolitan
30 statistical area.

31

1 (d) In the case of an urbanized area designated as a
2 nonattainment area for ozone or carbon monoxide under the
3 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
4 the metropolitan planning area in existence as of the date of
5 enactment of this paragraph shall be retained, except that the
6 boundaries may be adjusted by agreement of the Governor and
7 affected metropolitan planning organizations in the manner
8 described in this section. If more than one M.P.O. has
9 authority within a metropolitan area or an area that is
10 designated as a nonattainment area, each M.P.O. shall consult
11 with other M.P.O.'s designated for such area and with the
12 state in the coordination of plans and programs required by
13 this section.

14 (e) The governing body of the M.P.O. shall designate a
15 chair, a vice chair, and an agency clerk. The chair and vice
16 chair must be selected from among the delegates representing
17 the member organizations that comprise the governing board of
18 the M.P.O. The agency clerk is responsible for preparing
19 minutes of each meeting and maintaining the records of the
20 M.P.O. The clerk may be a member of the M.P.O. governing
21 board, an employee of the M.P.O., or any other natural person.

22
23 Each M.P.O. required under this section must be fully
24 operative no later than 6 months following its designation.

25 (2) VOTING MEMBERSHIP.--

26 (a) The voting membership of an M.P.O. shall consist
27 of not fewer than 5 or more than 19 apportioned members, the
28 exact number to be determined on an equitable
29 geographic-population ratio basis by the Governor, based on an
30 agreement among the affected units of general-purpose local
31 government as required by federal rules and regulations. The

1 Governor, in accordance with 23 U.S.C. s. 134, may also
2 provide for M.P.O. members who represent municipalities to
3 alternate with representatives from other municipalities
4 within the metropolitan planning area that do not have members
5 on the M.P.O. County commission members shall compose not less
6 than one-third of the M.P.O. membership, except for an M.P.O.
7 with more than 15 members located in a county with a 5-member
8 ~~five member~~ county commission or an M.P.O. with 19 members
9 located in a county with no more than 6 county commissioners,
10 in which case county commission members may compose less than
11 one-third percent of the M.P.O. membership, but all county
12 commissioners must be members. All voting members shall be
13 elected officials of general-purpose local governments, except
14 that an M.P.O. may include, as part of its apportioned voting
15 members, a member of a statutorily authorized planning board,
16 an official of an agency that operates or administers a major
17 mode of transportation, or an official of the Florida Space
18 Authority. As used in this section, elected officials of a
19 general-purpose local government shall exclude constitutional
20 officers, including sheriffs, tax collectors, supervisors of
21 elections, property appraisers, clerks of the court, and
22 similar types of officials. County commissioners ~~The county~~
23 ~~commission~~ shall compose not less than 20 percent of the
24 M.P.O. membership if an official of an agency that operates or
25 administers a major mode of transportation has been appointed
26 to an M.P.O.

27 (b) In metropolitan areas in which authorities or
28 other agencies have been or may be created by law to perform
29 transportation functions and are performing transportation
30 functions that are not under the jurisdiction of a
31 general-purpose ~~general purpose~~ local government represented

1 on the M.P.O., they shall be provided voting membership on the
2 M.P.O. In all other M.P.O.'s where transportation authorities
3 or agencies are to be represented by elected officials from
4 ~~general-purpose~~ general-purpose local governments, the M.P.O.
5 shall establish a process by which the collective interests of
6 such authorities or other agencies are expressed and conveyed.

7 (3) APPORTIONMENT.--

8 (a) The Governor shall, with the agreement of the
9 affected units of general-purpose local government as required
10 by federal rules and regulations, apportion the membership on
11 the applicable M.P.O. among the various governmental entities
12 within the area. At the request of a majority of the affected
13 units of general-purpose local government comprising an
14 M.P.O., the Governor and a majority of units of
15 general-purpose local governments serving on an M.P.O. and
16 shall cooperatively agree upon and prescribe who may serve as
17 an alternate member and a method for appointing alternate
18 members who may vote at any M.P.O. meeting that an alternate
19 member attends in place of a regular member. The methodology
20 shall be set forth as a part of the interlocal agreement
21 describing the M.P.O.'s membership or in the M.P.O.'s
22 operating procedures and bylaws. An appointed alternate member
23 must be an elected official serving the same governmental
24 entity or a general purpose local government with jurisdiction
25 within all or part of the area that the regular member serves.
26 The governmental entity so designated shall appoint the
27 appropriate number of members to the M.P.O. from eligible
28 officials. Representatives of the department shall serve as
29 nonvoting members of the M.P.O. governing board. Nonvoting
30 advisers may be appointed by the M.P.O. as deemed necessary;
31 however, to the maximum extent feasible, each M.P.O. shall

1 seek to appoint nonvoting representatives of various
2 multimodal forms of transportation not otherwise represented
3 by voting members of the M.P.O. An M.P.O. shall appoint
4 nonvoting advisers representing major military installations
5 upon the request of the major military installations and
6 subject to the agreement of the M.P.O. All nonvoting advisers
7 may attend and participate fully in governing board meetings
8 but shall not vote and shall not be members of the governing
9 board. The Governor shall review the composition of the M.P.O.
10 membership in conjunction with the decennial census as
11 prepared by the United States Department of Commerce, Bureau
12 of the Census, and reapportion it as necessary to comply with
13 subsection (2).

14 (b) Except for members who represent municipalities on
15 the basis of alternating with representatives from other
16 municipalities that do not have members on the M.P.O. as
17 provided in paragraph (2)(a), the members of an M.P.O. shall
18 serve 4-year terms. Members who represent municipalities on
19 the basis of alternating with representatives from other
20 municipalities that do not have members on the M.P.O. as
21 provided in paragraph (2)(a) may serve terms of up to 4 years
22 as further provided in the interlocal agreement described in
23 paragraph (1)(b). The membership of a member who is a public
24 official automatically terminates upon the member's leaving
25 his or her elective or appointive office for any reason, or
26 may be terminated by a majority vote of the total membership
27 of the entity's governing board ~~a county or city governing~~
28 ~~entity~~ represented by the member. A vacancy shall be filled by
29 the original appointing entity. A member may be reappointed
30 for one or more additional 4-year terms.

31

1 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
2 privileges, and authority of an M.P.O. are those specified in
3 this section or incorporated in an interlocal agreement
4 authorized under s. 163.01. Each M.P.O. shall perform all acts
5 required by federal or state laws or rules, now and
6 subsequently applicable, which are necessary to qualify for
7 federal aid. It is the intent of this section that each M.P.O.
8 shall be involved in the planning and programming of
9 transportation facilities, including, but not limited to,
10 airports, intercity and high-speed rail lines, seaports, and
11 intermodal facilities, to the extent permitted by state or
12 federal law.

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

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

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

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

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

25 1. Support the economic vitality of the metropolitan
26 area, especially by enabling global competitiveness,
27 productivity, and efficiency;

28 2. Increase the safety and security of the
29 transportation system for motorized and nonmotorized users;

30 3. Increase the accessibility and mobility options
31 available to people and for freight;

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

3 5. Enhance the integration and connectivity of the
4 transportation system, across and between modes, for people
5 and freight;

6 6. Promote efficient system management and operation;
7 and

8 7. Emphasize the preservation of the existing
9 transportation system.

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

13 1. Prepare a congestion management system for the
14 metropolitan area and cooperate with the department in the
15 development of all other transportation management systems
16 required by state or federal law;

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

19 3. Assist the department in performing its duties
20 relating to access management, functional classification of
21 roads, and data collection;

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

24 5. Represent all the jurisdictional areas within the
25 metropolitan area in the formulation of transportation plans
26 and programs required by this section; and

27 6. Perform all other duties required by state or
28 federal law.

29 (d) Each M.P.O. shall appoint a technical advisory
30 committee that includes planners; engineers; representatives
31 of local aviation authorities, port authorities, and public

1 transit authorities or representatives of aviation
2 departments, seaport departments, and public transit
3 departments of municipal or county governments, as applicable;
4 the school superintendent of each county within the
5 jurisdiction of the M.P.O. or the superintendent's designee;
6 and other appropriate representatives of affected local
7 governments. In addition to any other duties assigned to it by
8 the M.P.O. or by state or federal law, the technical advisory
9 committee is responsible for considering safe access to
10 schools in its review of transportation project priorities,
11 long-range transportation plans, and transportation
12 improvement programs, and shall advise the M.P.O. on such
13 matters. In addition, the technical advisory committee shall
14 coordinate its actions with local school boards and other
15 local programs and organizations within the metropolitan area
16 which participate in school safety activities, such as locally
17 established community traffic safety teams. Local school
18 boards must provide the appropriate M.P.O. with information
19 concerning future school sites and in the coordination of
20 transportation service.

21 (e)1. Each M.P.O. shall appoint a citizens' advisory
22 committee, the members of which serve at the pleasure of the
23 M.P.O. The membership on the citizens' advisory committee must
24 reflect a broad cross section of local residents with an
25 interest in the development of an efficient, safe, and
26 cost-effective transportation system. Minorities, the elderly,
27 and the handicapped must be adequately represented.

28 2. Notwithstanding the provisions of subparagraph 1.,
29 an M.P.O. may, with the approval of the department and the
30 applicable federal governmental agency, adopt an alternative
31

1 program or mechanism to ensure citizen involvement in the
2 transportation planning process.

3 (f) The department shall allocate to each M.P.O., for
4 the purpose of accomplishing its transportation planning and
5 programming duties, an appropriate amount of federal
6 transportation planning funds.

7 (g) Each M.P.O. shall have an executive or staff
8 director, who reports directly to the M.P.O. governing board
9 for all matters regarding the administration and operation of
10 the M.P.O., and any additional personnel as deemed necessary.
11 The executive director and any additional personnel may be
12 employed either by an M.P.O. or by another governmental
13 entity, such as a county, city, or regional planning council,
14 which has a signed staff services agreement in effect with the
15 M.P.O. In addition, an M.P.O. may employ personnel or may
16 enter into contracts with local or state governmental
17 agencies, private planning or engineering firms, or other
18 private ~~engineering~~ firms to accomplish its transportation
19 planning and programming duties and administrative functions
20 required by state or federal law.

21 (h) Each M.P.O. shall provide training opportunities
22 for local elected officials and others who serve on an M.P.O.
23 in order to enhance their knowledge, effectiveness, and
24 participation in the urbanized area transportation planning
25 process. The training opportunities may be conducted by an
26 individual M.P.O. or through statewide and federal training
27 programs and initiatives that are specifically designed to
28 meet the needs of M.P.O. board members.

29 ~~(i)(h)~~ A chair's coordinating committee is created,
30 composed of the M.P.O.'s serving Hernando, Hillsborough,
31

1 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
2 committee must, at a minimum:

3 1. Coordinate transportation projects deemed to be
4 regionally significant by the committee.

5 2. Review the impact of regionally significant land
6 use decisions on the region.

7 3. Review all proposed regionally significant
8 transportation projects in the respective transportation
9 improvement programs which affect more than one of the
10 M.P.O.'s represented on the committee.

11 4. Institute a conflict resolution process to address
12 any conflict that may arise in the planning and programming of
13 such regionally significant projects.

14 ~~(j)~~(i)1. The Legislature finds that the state's rapid
15 growth in recent decades has caused many urbanized areas
16 subject to M.P.O. jurisdiction to become contiguous to each
17 other. As a result, various transportation projects may cross
18 from the jurisdiction of one M.P.O. into the jurisdiction of
19 another M.P.O. To more fully accomplish the purposes for which
20 M.P.O.'s have been mandated, M.P.O.'s shall develop
21 coordination mechanisms with one another to expand and improve
22 transportation within the state. The appropriate method of
23 coordination between M.P.O.'s shall vary depending upon the
24 project involved and given local and regional needs.
25 Consequently, it is appropriate to set forth a flexible
26 methodology that can be used by M.P.O.'s to coordinate with
27 other M.P.O.'s and appropriate political subdivisions as
28 circumstances demand.

29 2. Any M.P.O. may join with any other M.P.O. or any
30 individual political subdivision to coordinate activities or
31 to achieve any federal or state transportation planning or

1 development goals or purposes consistent with federal or state
2 law. When an M.P.O. determines that it is appropriate to join
3 with another M.P.O. or any political subdivision to coordinate
4 activities, the M.P.O. or political subdivision shall enter
5 into an interlocal agreement pursuant to s. 163.01, which, at
6 a minimum, creates a separate legal or administrative entity
7 to coordinate the transportation planning or development
8 activities required to achieve the goal or purpose; provides
9 ~~provide~~ the purpose for which the entity is created; provides
10 ~~provide~~ the duration of the agreement and the entity, and
11 specifies ~~specify~~ how the agreement may be terminated,
12 modified, or rescinded; describes ~~describe~~ the precise
13 organization of the entity, including who has voting rights on
14 the governing board, whether alternative voting members are
15 provided for, how voting members are appointed, and what the
16 relative voting strength is for each constituent M.P.O. or
17 political subdivision; provides ~~provide~~ the manner in which
18 the parties to the agreement will provide for the financial
19 support of the entity and payment of costs and expenses of the
20 entity; provides ~~provide~~ the manner in which funds may be paid
21 to and disbursed from the entity; and provides ~~provide~~ how
22 members of the entity will resolve disagreements regarding
23 interpretation of the interlocal agreement or disputes
24 relating to the operation of the entity. Such interlocal
25 agreement shall become effective upon its recordation in the
26 official public records of each county in which a member of
27 the entity created by the interlocal agreement has a voting
28 member. This paragraph does not require any M.P.O.'s to merge,
29 combine, or otherwise join together as a single M.P.O.

30 (12) VOTING REQUIREMENTS.--Each long-range
31 transportation plan required pursuant to subsection (6), each

1 annually updated Transportation Improvement Program required
2 under subsection (7), and each amendment that affects projects
3 in the first 3 years of such plans and programs must be
4 approved by each M.P.O. on a supermajority ~~recorded~~ roll call
5 vote or hand-counted vote of a majority plus one of the
6 membership present.

7 Section 12. The Florida Transportation Commission
8 shall conduct a study of the progress made by M.P.O.'s to
9 establish improved coordinated transportation planning
10 processes. The report must, at a minimum, address the efforts
11 and progress of each M.P.O. to include representatives of the
12 various modes of transportation into the metropolitan planning
13 process; the efforts and progress of M.P.O.'s located within
14 urbanized areas consisting of more than one M.P.O., or
15 M.P.O.'s located in urbanized areas that are contiguous to
16 M.P.O.'s serving different urbanized areas, to implement
17 coordinated long-range transportation plans covering the
18 combined metropolitan planning area; the extent to which these
19 long-range plans serve as the basis for the transportation
20 improvement program of each M.P.O.; and an assessment of the
21 effectiveness of processes to prioritize
22 regionally-significant projects and implement regional public
23 involvement activities. The report shall be submitted to the
24 Governor, the President of the Senate, and the Speaker of the
25 House of Representatives no later than January 15, 2007.

26 Section 13. Paragraph (h) of subsection (2) of section
27 20.23, Florida Statutes, is amended to read:

28 20.23 Department of Transportation.--There is created
29 a Department of Transportation which shall be a decentralized
30 agency.

31 (2)

1 (h) The commission shall appoint an executive director
2 and assistant executive director, who shall serve under the
3 direction, supervision, and control of the commission. The
4 executive director, with the consent of the commission, shall
5 employ such staff as are necessary to perform adequately the
6 functions of the commission, within budgetary limitations. All
7 employees of the commission are exempt from part II of chapter
8 110 and shall serve at the pleasure of the commission. The
9 salaries and benefits of all employees of the commission,
10 except for the executive director, shall be set in accordance
11 with the Selected Exempt Service; ~~provided,~~ however, that the
12 salary and benefits of the executive director shall be set in
13 accordance with the Senior Management Service. The commission
14 shall have complete authority for fixing the salary of the
15 executive director and assistant executive director.

16 Section 14. Paragraph (c) of subsection (6) of section
17 332.007, Florida Statutes, is amended to read:

18 332.007 Administration and financing of aviation and
19 airport programs and projects; state plan.--

20 (6) Subject to the availability of appropriated funds,
21 the department may participate in the capital cost of eligible
22 public airport and aviation development projects in accordance
23 with the following rates, unless otherwise provided in the
24 General Appropriations Act or the substantive bill
25 implementing the General Appropriations Act:

26 (c) When federal funds are not available, the
27 department may fund up to 80 percent of master planning and
28 eligible aviation development projects at publicly owned,
29 publicly operated airports. If federal funds are available but
30 are insufficient to meet the maximum authorized federal share,
31 the department may fund up to 80 percent of the nonfederal

1 share of such projects. Such funding is limited to airports
2 that have no scheduled commercial service.

3 Section 15. Subsection (8) of section 332.007, Florida
4 Statutes, is amended to read:

5 332.007 Administration and financing of aviation and
6 airport programs and projects; state plan.--

7 (8) Notwithstanding any other provision of law to the
8 contrary, the department is authorized to provide operational
9 and maintenance assistance to publicly owned public-use
10 airports. Such assistance shall be to comply with enhanced
11 federal security requirements or to address related economic
12 impacts from the events of September 11, 2001. For projects in
13 the current adopted work program, or projects added using the
14 available budget of the department, airports may request the
15 department change the project purpose in accordance with this
16 provision notwithstanding the provisions of s. 339.135(7). For
17 purposes of this subsection, the department may fund up to 100
18 percent of eligible project costs that are not funded by the
19 Federal Government. Prior to releasing any funds under this
20 section, the department shall review and approve the
21 expenditure plans submitted by the airport. The department
22 shall inform the Legislature of any change that it approves
23 under this subsection. This subsection shall expire on June
24 30, 2012 ~~2007~~.

25 Section 16. Subsection (1) of section 212.055, Florida
26 Statutes, is amended, and subsection (8) is added to that
27 section, to read:

28 212.055 Discretionary sales surtaxes; legislative
29 intent; authorization and use of proceeds.--It is the
30 legislative intent that any authorization for imposition of a
31 discretionary sales surtax shall be published in the Florida

1 Statutes as a subsection of this section, irrespective of the
2 duration of the levy. Each enactment shall specify the types
3 of counties authorized to levy; the rate or rates which may be
4 imposed; the maximum length of time the surtax may be imposed,
5 if any; the procedure which must be followed to secure voter
6 approval, if required; the purpose for which the proceeds may
7 be expended; and such other requirements as the Legislature
8 may provide. Taxable transactions and administrative
9 procedures shall be as provided in s. 212.054.

10 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM
11 SURTAX.--

12 (a) Each charter county which adopted a charter prior
13 to January 1, 1984, and each county the government of which is
14 consolidated with that of one or more municipalities, may levy
15 a discretionary sales surtax, subject to approval by a
16 majority vote of the electorate of the county or by a charter
17 amendment approved by a majority vote of the electorate of the
18 county.

19 (b) The rate shall be up to 1 percent.

20 (c) The proposal to adopt a discretionary sales surtax
21 as provided in this subsection and to create a trust fund
22 within the county accounts shall be placed on the ballot in
23 accordance with law at a time to be set at the discretion of
24 the governing body or pursuant to initiative petition, if
25 provided for in the county's charter.

26 (d) Proceeds from the surtax shall be applied to as
27 many or as few of the uses enumerated below in whatever
28 combination the county commission deems appropriate:

29 1. Deposited by the county in the trust fund and shall
30 be used for the purposes of development, construction,
31 equipment, maintenance, operation, supportive services,

1 including a countywide bus system, and related costs of a
2 fixed guideway rapid transit system;

3 2. Remitted by the governing body of the county to an
4 expressway or transportation authority created by law to be
5 used, at the discretion of such authority, for the
6 development, construction, operation, or maintenance of roads
7 or bridges in the county, for the operation and maintenance of
8 a bus system, for the payment of principal and interest on
9 existing bonds issued for the construction of such roads or
10 bridges, and, upon approval by the county commission, such
11 proceeds may be pledged for bonds issued to refinance existing
12 bonds or new bonds issued for the construction of such roads
13 or bridges;

14 3. Used by the charter county for the development,
15 construction, operation, and maintenance of roads and bridges
16 in the county; for the expansion, operation, and maintenance
17 of bus and fixed guideway systems; and for the payment of
18 principal and interest on bonds issued for the construction of
19 fixed guideway rapid transit systems, bus systems, roads, or
20 bridges; and such proceeds may be pledged by the governing
21 body of the county for bonds issued to refinance existing
22 bonds or new bonds issued for the construction of such fixed
23 guideway rapid transit systems, bus systems, roads, or bridges
24 and no more than 25 percent used for nontransit uses; ~~and~~

25 4. Used by the charter county for the planning,
26 development, construction, operation, and maintenance of roads
27 and bridges in the county; for the planning, development,
28 expansion, operation, and maintenance of bus and fixed
29 guideway systems; and for the payment of principal and
30 interest on bonds issued for the construction of fixed
31 guideway rapid transit systems, bus systems, roads, or

1 | bridges; and such proceeds may be pledged by the governing
2 | body of the county for bonds issued to refinance existing
3 | bonds or new bonds issued for the construction of such fixed
4 | guideway rapid transit systems, bus systems, roads, or
5 | bridges. Pursuant to an interlocal agreement entered into
6 | pursuant to chapter 163, the governing body of the charter
7 | county may distribute proceeds from the tax to a municipality,
8 | or an expressway or transportation authority created by law to
9 | be expended for the purpose authorized by this paragraph;--

10 | 5. Used by the charter county to fund regionally
11 | significant transportation projects that are identified in a
12 | regional transportation plan developed in accordance with s.
13 | 339.155(5) or to provide matching funds for the Transportation
14 | Regional Incentive Program in accordance with s. 339.2819 or
15 | the New Starts Transit Program, as provided in s. 341.051; and

16 | 6. Used by the charter county to fund projects
17 | identified in a capital improvements element of a
18 | comprehensive plan that has been determined to be in
19 | compliance with part II of chapter 163 or to implement a
20 | long-term concurrency management system adopted by a local
21 | government in accordance with s. 163.3177(3) or (9).

22 | (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

23 | (a) The governing authority of a county that is not
24 | authorized to levy a discretionary sales surtax pursuant to
25 | subsection (1) may levy a discretionary sales surtax pursuant
26 | to ordinance enacted by a majority of the members of the
27 | county governing authority and subject to approval by a
28 | majority vote of the electorate of the county.

29 | (b) The rate shall be up to 1 percent.

30 | (c) If the proposal to adopt a discretionary sales
31 | surtax is to be adopted by a referendum as provided in this

1 subsection, such proposal shall be placed on the ballot in
2 accordance with law at a time to be set at the discretion of
3 the governing body of the county.

4 (d) Proceeds from the surtax shall be distributed to
5 the county and to each municipality within the county in which
6 the surtax is collected according to:

7 1. A separate interlocal agreement between the county
8 governing body and the governing body of any municipality
9 within the county; or

10 2. If there is no interlocal agreement between the
11 county governing body and the governing body of any
12 municipality within the county, an apportionment factor for
13 each eligible local government as specified in this
14 subparagraph.

15 a. The apportionment factor for an eligible county
16 shall be composed of two equally weighted portions as follows:

17 (I) Each eligible county's population in the
18 unincorporated areas of the county as a percentage of the
19 total county population as determined pursuant to s. 186.901.

20 (II) Each eligible county's percentage of centerline
21 miles derived from the combined total number of centerline
22 miles owned and maintained by the county and each municipality
23 within the county as annually reported in the City/County
24 Mileage Report promulgated by the Transportation Statistics
25 Office within the Department of Transportation.

26 b. The apportionment factor for an eligible
27 municipality shall be composed of two equally weighted
28 portions as follows:

29 (I) Each eligible municipality's population as a
30 percentage of the total county population as determined
31 pursuant to s. 186.901.

1 (II) Each eligible municipality's percentage of
2 centerline miles derived from the combined total number of
3 centerline miles owned and maintained by the county and each
4 municipality within the county as annually reported in the
5 City/County Mileage Report promulgated by the Transportation
6 Statistics Office within the Department of Transportation.

7 (e) Proceeds from the surtax shall be applied to as
8 many or as few of the uses enumerated below in whatever
9 combination the governing body of the municipality or the
10 county considers appropriate:

11 1. Deposited by the governing body of the municipality
12 or the county in the trust fund and used for the purposes of
13 development, construction, equipment, maintenance, operation,
14 supportive services, including a bus system, and related costs
15 of a fixed guideway rapid transit system;

16 2. Remitted by the governing body of the municipality
17 or the county to an expressway or transportation authority
18 created by law to be used, at the discretion of such
19 authority, for the development, construction, operation, or
20 maintenance of roads, bicycle and pedestrian facilities, or
21 bridges in the county or municipality, for the operation and
22 maintenance of a bus system, for the payment of principal and
23 interest on existing bonds issued for the construction of such
24 roads, bicycle or pedestrian facilities, or bridges, and, upon
25 approval by the governing body of the municipality or county,
26 pledged for bonds issued to refinance existing bonds or new
27 bonds issued for the construction of such roads or bridges;

28 3. Used by the governing body of the municipality or
29 county for the planning, development, construction, operation,
30 and maintenance of roads, bicycle and pedestrian facilities,
31 or bridges in the municipality or county; for the planning,

1 development, expansion, operation, and maintenance of bus and
2 fixed guideway systems; and for the payment of principal and
3 interest on bonds issued for the construction of fixed
4 guideway rapid transit systems, bus systems, roads, bicycle
5 and pedestrian facilities, or bridges; and, upon approval by
6 the governing body of the municipality or county, pledged by
7 the governing body of the municipality or county for bonds
8 issued to refinance existing bonds or new bonds issued for the
9 construction of such fixed guideway rapid transit systems, bus
10 systems, roads, bicycle and pedestrian facilities, or bridges;

11 4. Used by the county or municipality to fund
12 regionally significant transportation projects that are
13 identified in a regional transportation plan developed in
14 accordance with s. 339.155(5) or to provide matching funds for
15 the Transportation Regional Incentive Program in accordance
16 with s. 339.2819 or the New Starts Transit Program as provided
17 in s. 341.051; and

18 5. Used by the county or municipality to fund projects
19 identified in a capital improvements element of a
20 comprehensive plan that has been determined to be in
21 compliance with part II of chapter 163 or to implement a
22 long-term concurrency management system adopted by a local
23 government in accordance with s. 163.3177(3) or (9).

24 Section 17. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 1766

Provides that an owner of property located within a community development district and a special road and bridge district may select the community development district to be the provider of road and drainage improvements, and establishes procedures for withdrawal from a special road and bridge district.

Clarifies the definition of "elected officials" for purposes of a metropolitan planning organization.

Changes the name of the Charter County Transit System Surtax to the Charter County Transportation System Surtax, authorizes all counties to levy one, and specifies the allowable uses for the surtax proceeds.

Provides for the creation, membership, and duties of regional transportation planning organizations, provides an appropriation for one, and provides that certain projects receive 75% matching funds.