

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; amending s. 311.22, F.S.; revising  
5 | the funding for certain dredging projects;  
6 | amending s. 320.20, F.S.; revising the  
7 | distribution of license tax moneys deposited in  
8 | the State Transportation Trust Fund for the  
9 | funding of the Florida Seaport Transportation  
10 | and Economic Development program and certain  
11 | seaport intermodal access projects; requiring  
12 | the Florida Seaport Transportation and Economic  
13 | Development Council to submit a list of certain  
14 | freight mobility projects to the Department of  
15 | Transportation; requiring the council and the  
16 | department to agree upon the projects selected  
17 | for funding; requiring the department to  
18 | include the selected projects for funding in  
19 | the tentative work program; providing that  
20 | refunding bonds shall be issued by the Division  
21 | of Bond Finance at the request of the  
22 | department; providing for funding the  
23 | construction of wharves and docks; requiring  
24 | that a certain sum of money be deposited in the  
25 | State Transportation Trust Fund for the funding  
26 | of the Florida Seaport Transportation and  
27 | Economic Development program and certain  
28 | seaport intermodal access projects; providing  
29 | for distribution of revenues for the funding of  
30 | certain seaport intermodal access projects;  
31 | creating s. 336.68, F.S.; providing that a

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

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

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

1 relating to the administration and financing of  
2 aviation and airport operational and  
3 maintenance projects of publicly owned  
4 airports; changing the expiration date of the  
5 financial programs to the year 2012 from 2007;  
6 amending s. 212.055, F.S.; deleting a  
7 restriction on the frequency with which bonds  
8 may be issued under s. 212.055(2), F.S.;  
9 allowing counties that are not charter counties  
10 to levy, by ordinance, a county transportation  
11 system surtax; requiring that a discretionary  
12 sales surtax that is to be adopted by  
13 referendum be placed on the ballot at a time  
14 set at the discretion of the governing body of  
15 a county; requiring that the proceeds from a  
16 surtax be distributed to a county and to each  
17 municipality within the county according to an  
18 interlocal agreement or an apportionment  
19 factor; providing that the proceeds from the  
20 surtax be used for certain purposes as  
21 considered appropriate by the county  
22 commission; amending s. 336.025, F.S.; deleting  
23 a restriction on the frequency with which bonds  
24 may be issued under this section; amending s.  
25 339.08, F.S.; allowing moneys in the State  
26 Transportation Trust Fund to be used to pay the  
27 cost of the Enhanced Bridge Program; creating  
28 s. 339.282, F.S.; creating the Enhanced Bridge  
29 Program for Sustainable Transportation within  
30 the Department of Transportation; providing for  
31 the use of funds in the program; providing

1 project guidelines for program funding;  
2 creating s. 339.284, F.S.; providing certain  
3 incentives for certain private-sector  
4 contributions to improve transportation  
5 facilities; providing for the contribution to  
6 be applied as a credit against transportation  
7 concurrency requirements; providing procedures  
8 and criteria; amending s. 316.650, F.S.;  
9 revising procedures for disposition of  
10 citations issued for failure to pay toll;  
11 providing that the citation will not be  
12 submitted to the court and no points will be  
13 assessed on the driver's license if the person  
14 cited elects to make payment directly to the  
15 governmental entity that issued the citation;  
16 providing for reporting of the citation by the  
17 governmental entity to the Department of  
18 Highway Safety and Motor Vehicles; amending s.  
19 318.14, F.S.; providing for the amount required  
20 to be paid under certain procedures for  
21 disposition of a citation issued for failure to  
22 pay a toll; providing for the person cited to  
23 request a court hearing; amending s. 318.18,  
24 F.S.; revising penalties for failure to pay a  
25 prescribed toll; providing for disposition of  
26 amounts received by the clerk of court;  
27 revising procedures for withholding of  
28 adjudication; providing for suspension of a  
29 driver's license under certain circumstances;  
30 amending s. 348.754, F.S.; authorizing the  
31 Orlando-Orange County Expressway Authority to

1 waive payment and performance bonds on certain  
2 construction contracts if the contract is  
3 awarded pursuant to an economic development  
4 program for the encouragement of local small  
5 businesses; providing criteria for  
6 participation in the program; providing  
7 criteria for the bond waiver; providing for  
8 certain determinations by the authority's  
9 executive director or a designee as to the  
10 suitability of a project; providing for certain  
11 payment obligations if a payment and  
12 performance bond is waived; requiring the  
13 authority to record notice of the obligation;  
14 limiting eligibility to bid on the projects;  
15 providing for the authority to conduct  
16 bond-eligibility training for certain  
17 businesses; requiring the authority to submit  
18 biennial reports to the Orange County  
19 legislative delegation; amending s. 348.0004,  
20 F.S.; authorizing transportation authorities,  
21 bridge authorities, or toll authorities to  
22 enter agreements with private entities to  
23 provide transportation facilities; amending s.  
24 348.0012, F.S.; clarifying certain exemptions  
25 from the Florida Expressway Authority Act;  
26 requiring the Legislative Committee on  
27 Intergovernmental Relations to study methods to  
28 incentivize and reward certain local  
29 governments; requiring state agencies to  
30 provide data for the study; requiring the  
31



1 committee to submit a report summarizing its  
2 findings; 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. Subsection (1) of section 311.22, Florida  
28 Statutes, is amended to read:

29 311.22 Additional authorization for funding certain  
30 dredging projects.--

31

1           (1) The Florida Seaport Transportation and Economic  
2 Development Council shall establish a program to fund dredging  
3 projects in counties having a population of fewer than 300,000  
4 according to the last official census. Funds made available  
5 under this program may be used to fund approved projects for  
6 the dredging or deepening of channels, turning basins, or  
7 harbors on a 25-percent local ~~50-50~~ matching basis with any  
8 port authority, as such term is defined in s. 315.02(2), which  
9 complies with the permitting requirements in part IV of  
10 chapter 373 and the local financial management and reporting  
11 provisions of part III of chapter 218.

12           Section 8. Section 320.20, Florida Statutes, is  
13 amended to read:

14           320.20 Disposition of license tax moneys.--The revenue  
15 derived from the registration of motor vehicles, including any  
16 delinquent fees and excluding those revenues collected and  
17 distributed under the provisions of s. 320.081, must be  
18 distributed monthly, as collected, as follows:

19           (1) The first proceeds, to the extent necessary to  
20 comply with the provisions of s. 18, Art. XII of the State  
21 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968  
22 revised constitution, and the additional provisions of s. 9(d)  
23 and s. 1010.57, must be deposited in the district Capital  
24 Outlay and Debt Service School Trust Fund.

25           (2) Twenty-five million dollars per year of such  
26 revenues must be deposited in the State Transportation Trust  
27 Fund, with priority use assigned to completion of the  
28 interstate highway system. However, any excess funds may be  
29 utilized for general transportation purposes, consistent with  
30 the Department of Transportation's legislatively approved  
31 objectives.

1           (3) Notwithstanding any other provision of law except  
2 subsections (1) and (2), on July 1, 1996, and annually  
3 thereafter, \$15 million shall be deposited in the State  
4 Transportation Trust Fund solely for the purposes of funding  
5 the Florida Seaport Transportation and Economic Development  
6 Program as provided for in chapter 311. Such revenues shall  
7 be distributed to any port listed in s. 311.09(1), to be used  
8 for funding projects as follows:

9           (a) For any seaport intermodal access projects that  
10 are identified in the tentative work program of the Department  
11 of Transportation for the 2006-2007 to 2010-2011 fiscal years,  
12 up to the amounts needed to offset the funding requirements of  
13 this section.

14           (b) For seaport intermodal access projects as  
15 described in s. 341.053(5) which are identified in the 5-year  
16 Florida Seaport Mission Plan as provided in s. 311.09(3),  
17 funding shall require at least a 25-percent match of the funds  
18 received pursuant to this subsection. Matching funds shall  
19 come from any port funds, federal funds, local funds, or  
20 private funds.

21           (c) For seaport projects as described in s.  
22 311.07(3)(b), funds shall be provided on a 50-50 matching  
23 basis.

24           (d) For seaport intermodal access projects that  
25 involve the dredging or deepening of channels, turning basins,  
26 or harbors, or the construction or rehabilitation of wharves,  
27 docks, or similar structures, funding shall require at least a  
28 25-percent match of the funds received pursuant to this  
29 subsection. Matching funds shall come from any port funds,  
30 federal funds, local funds, or private funds. ~~on a 50-50~~  
31

1 ~~matching basis to any port listed in s. 311.09(1) to be used~~  
2 ~~for funding projects as described in s. 311.07(3)(b).~~

3  
4 Such revenues may be assigned, pledged, or set aside as a  
5 trust for the payment of principal or interest on bonds, tax  
6 anticipation certificates, or any other form of indebtedness  
7 issued by an individual port or appropriate local government  
8 having jurisdiction thereof, or collectively by interlocal  
9 agreement among any of the ports, or used to purchase credit  
10 support to permit such borrowings. However, such debt shall  
11 not constitute a general obligation of the State of Florida.  
12 The state does hereby covenant with holders of such revenue  
13 bonds or other instruments of indebtedness issued hereunder  
14 that it will not repeal or impair or amend in any manner which  
15 will materially and adversely affect the rights of such  
16 holders so long as bonds authorized by this section are  
17 outstanding. Any revenues which are not pledged to the  
18 repayment of bonds as authorized by this section may be  
19 utilized for purposes authorized under the Florida Seaport  
20 Transportation and Economic Development Program. This revenue  
21 source is in addition to any amounts provided for and  
22 appropriated in accordance with s. 311.07. The Florida  
23 Seaport Transportation and Economic Development Council shall  
24 submit to the Department of Transportation a list of strategic  
25 transportation, economic development, and freight mobility  
26 projects that contribute to the economic growth of the state  
27 and that ~~approve distribution of funds to ports for projects~~  
28 ~~which~~ have been approved pursuant to s. 311.09(5)-(9). The  
29 council and the Department of Transportation shall mutually  
30 agree upon the prioritization and selection of projects for  
31 funding. The Department of Transportation shall include the

1 selected projects for funding in the tentative work program  
2 developed pursuant to s. 339.135. The council and the  
3 Department of Transportation are authorized to perform such  
4 acts as are required to facilitate and implement the  
5 provisions of this subsection, including the funding of  
6 approved projects by the use of other state funding programs,  
7 local contributions from seaports, and the creative use of  
8 federal funds. To better enable the ports to cooperate to  
9 their mutual advantage, the governing body of each port may  
10 exercise powers provided to municipalities or counties in s.  
11 163.01(7)(d) subject to the provisions of chapter 311 and  
12 special acts, if any, pertaining to a port. The use of funds  
13 provided pursuant to this subsection are limited to eligible  
14 projects listed in this subsection. Income derived from a  
15 project completed with the use of program funds, beyond  
16 operating costs and debt service, shall be restricted to  
17 further port capital improvements consistent with maritime  
18 purposes and for no other purpose. Use of such income for  
19 nonmaritime purposes is prohibited. The provisions of s.  
20 311.07(4) do not apply to any funds received pursuant to this  
21 subsection. The revenues available under this subsection shall  
22 not be pledged to the payment of any bonds other than the  
23 Florida Ports Financing Commission Series 1996 and Series 1999  
24 Bonds currently outstanding; provided, however, such revenues  
25 may be pledged to secure payment of refunding bonds to  
26 refinance the Florida Ports Financing Commission Series 1996  
27 and Series 1999 Bonds. ~~No refunding bonds secured by revenues~~  
28 ~~available under this subsection may be issued with a final~~  
29 ~~maturity later than the final maturity of the Florida Ports~~  
30 ~~Financing Commission Series 1996 and Series 1999 Bonds or~~  
31 ~~which provide for higher debt service in any year than is~~

1 ~~currently payable on such bonds.~~ Any revenue bonds or other  
2 indebtedness issued after July 1, 2000, including other than  
3 refunding bonds, shall be issued by the Division of Bond  
4 Finance at the request of the Department of Transportation  
5 pursuant to the State Bond Act.

6 (4) Notwithstanding any other provision of law except  
7 subsections (1), (2), and (3), on July 1, 1999, and annually  
8 thereafter, \$10 million shall be deposited in the State  
9 Transportation Trust Fund solely for the purposes of funding  
10 the Florida Seaport Transportation and Economic Development  
11 Program as provided in chapter 311 and for funding seaport  
12 intermodal access projects of statewide significance as  
13 provided in s. 341.053. Such revenues shall be distributed to  
14 any port listed in s. 311.09(1), to be used for funding  
15 projects as follows:

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

20 (b) For seaport intermodal access projects as  
21 described in s. 341.053(5) that are identified in the 5-year  
22 Florida Seaport Mission Plan as provided in s. 311.09(3).  
23 Funding for such projects shall be on a matching basis as  
24 mutually determined by the Florida Seaport Transportation and  
25 Economic Development Council and the Department of  
26 Transportation, provided a minimum of 25 percent of total  
27 project funds shall come from any port funds, local funds,  
28 private funds, or specifically earmarked federal funds.

29 (c) On a 50-50 matching basis for projects as  
30 described in s. 311.07(3)(b).  
31

1 (d) For seaport intermodal access projects that  
2 involve the dredging or deepening of channels, turning basins,  
3 or harbors, ~~+~~ or the construction or rehabilitation of wharves,  
4 docks, or similar structures. Funding for such projects shall  
5 require a 25-percent match of the funds received pursuant to  
6 this subsection. Matching funds shall come from any port  
7 funds, federal funds, local funds, or private funds.

8  
9 Such revenues may be assigned, pledged, or set aside as a  
10 trust for the payment of principal or interest on bonds, tax  
11 anticipation certificates, or any other form of indebtedness  
12 issued by an individual port or appropriate local government  
13 having jurisdiction thereof, or collectively by interlocal  
14 agreement among any of the ports, or used to purchase credit  
15 support to permit such borrowings. However, such debt shall  
16 not constitute a general obligation of the state. This state  
17 does hereby covenant with holders of such revenue bonds or  
18 other instruments of indebtedness issued hereunder that it  
19 will not repeal or impair or amend this subsection in any  
20 manner which will materially and adversely affect the rights  
21 of holders so long as bonds authorized by this subsection are  
22 outstanding. Any revenues that are not pledged to the  
23 repayment of bonds as authorized by this section may be  
24 utilized for purposes authorized under the Florida Seaport  
25 Transportation and Economic Development Program. This revenue  
26 source is in addition to any amounts provided for and  
27 appropriated in accordance with s. 311.07 and subsection (3).  
28 The Florida Seaport Transportation and Economic Development  
29 Council shall submit to the Department of Transportation a  
30 list of strategic transportation, economic development, and  
31 freight mobility projects that contribute to the economic

1 ~~growth of the state and that approve distribution of funds to~~  
2 ~~ports for projects that~~ have been approved pursuant to s.  
3 311.09(5)-(9), or that have been approved for seaport  
4 intermodal access projects identified in the 5-year Florida  
5 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~  
6 ~~agreed upon by the FSTED Council and the Department of~~  
7 Transportation. The council and the Department of  
8 Transportation shall mutually agree upon the prioritization  
9 and selection of projects for funding. The Department of  
10 Transportation shall include the selected projects for funding  
11 in the tentative work program developed pursuant to s.  
12 339.135. All contracts for actual construction of projects  
13 authorized by this subsection must include a provision  
14 encouraging employment of participants in the welfare  
15 transition program. The goal for employment of participants in  
16 the welfare transition program is 25 percent of all new  
17 employees employed specifically for the project, unless the  
18 Department of Transportation and the Florida Seaport  
19 Transportation and Economic Development Council demonstrate  
20 that such a requirement would severely hamper the successful  
21 completion of the project. In such an instance, Workforce  
22 Florida, Inc., shall establish an appropriate percentage of  
23 employees that must be participants in the welfare transition  
24 program. The council and the Department of Transportation are  
25 authorized to perform such acts as are required to facilitate  
26 and implement the provisions of this subsection, including the  
27 funding of approved projects by the use of other state funding  
28 programs, local contributions from seaports, and the creative  
29 use of federal funds. To better enable the ports to cooperate  
30 to their mutual advantage, the governing body of each port may  
31 exercise powers provided to municipalities or counties in s.



1 163.01(7)(d) subject to the provisions of chapter 311 and  
2 special acts, if any, pertaining to a port. The use of funds  
3 provided pursuant to this subsection is limited to eligible  
4 projects listed in this subsection. The provisions of s.  
5 311.07(4) do not apply to any funds received pursuant to this  
6 subsection. The revenues available under this subsection shall  
7 not be pledged to the payment of any bonds other than the  
8 Florida Ports Financing Commission Series 1996 and Series 1999  
9 Bonds currently outstanding; provided, however, such revenues  
10 may be pledged to secure payment of refunding bonds to  
11 refinance the Florida Ports Financing Commission Series 1996  
12 and Series 1999 Bonds. ~~No refunding bonds secured by revenues~~  
13 ~~available under this subsection may be issued with a final~~  
14 ~~maturity later than the final maturity of the Florida Ports~~  
15 ~~Financing Commission Series 1996 and Series 1999 Bonds or~~  
16 ~~which provide for higher debt service in any year than is~~  
17 ~~currently payable on such bonds.~~ Any revenue bonds or other  
18 indebtedness issued after July 1, 2000, including other than  
19 refunding bonds, shall be issued by the Division of Bond  
20 Finance at the request of the Department of Transportation  
21 pursuant to the State Bond Act.

22 (5) Notwithstanding any other provision of law except  
23 subsections (1), (2), (3), and (4), on July 1, 2006, and  
24 annually thereafter, \$5 million shall be deposited in the  
25 State Transportation Trust Fund solely for the purposes of  
26 funding the Florida Seaport Transportation and Economic  
27 Development Program as provided in chapter 311 and for funding  
28 seaport intermodal access projects of statewide significance  
29 as provided in s. 341.053. Such revenues shall be distributed  
30 to any port listed in s. 311.09(1), to be used for funding  
31 projects as follows:

1       (a) For any seaport intermodal access projects that  
2 are identified in the Tentative Work Program of the Department  
3 of Transportation for the 2006-2007 to 2010-2011 fiscal years,  
4 up to the amounts needed to offset the funding requirements of  
5 this section.

6       (b) For seaport intermodal access projects as  
7 described in s. 341.053(5) which are identified in the 5-year  
8 Florida Seaport Mission Plan as provided in s. 311.09(3),  
9 funding shall require at least a 25-percent match of the funds  
10 received pursuant to this subsection. Matching funds shall  
11 come from any port funds, federal funds, local funds, or  
12 private funds.

13       (c) For seaport projects as described in s.  
14 311.07(3)(b), funds shall be provided on a 50-50 matching  
15 basis.

16       (d) For seaport intermodal access projects that  
17 involve the dredging or deepening of channels, turning basins,  
18 or harbors, or the construction or rehabilitation of wharves,  
19 docks, or similar structures, funding shall require at least a  
20 25-percent match of the funds received pursuant to this  
21 subsection. Matching funds shall come from any port funds,  
22 federal funds, local funds, or private funds.

23  
24 Such revenues may be assigned, pledged, or set aside as a  
25 trust for the payment of principal or interest on bonds, tax  
26 anticipation certificates, or any other form of indebtedness  
27 issued by the Division of Bond Finance at the request of the  
28 Department of Transportation pursuant to the State Bond Act.  
29 However, such debt does not constitute a general obligation of  
30 the state. This state covenants with holders of such revenue  
31 bonds or other instruments of indebtedness issued under this

1 subsection that it will not repeal or impair or amend this  
2 subsection in any manner that will materially and adversely  
3 affect the rights of holders so long as bonds authorized by  
4 this subsection are outstanding. Any revenues that are not  
5 pledged to the repayment of bonds as authorized by this  
6 subsection may be used for purposes authorized under the  
7 Florida Seaport Transportation and Economic Development  
8 Program. This revenue source is in addition to any amounts  
9 provided for and appropriated in accordance with s. 311.07 and  
10 subsections (3) and (4). The Florida Seaport Transportation  
11 and Economic Development Council shall submit to the  
12 Department of Transportation a list of strategic  
13 transportation, economic development, and freight mobility  
14 projects that contribute to the economic growth of the state  
15 and that have been approved pursuant to s. 311.09(5)-(9), or  
16 that have been approved for seaport intermodal access projects  
17 identified in the 5-year Florida Seaport Mission Plan as  
18 provided in s. 311.09(3). The council and the Department of  
19 Transportation shall mutually agree upon the prioritization  
20 and selection of projects for funding. The Department of  
21 Transportation shall include the selected projects for funding  
22 in the tentative work program developed pursuant to s.  
23 339.135. The council and the Department of Transportation may  
24 perform such acts as are required to facilitate and implement  
25 the provisions of this subsection, including the funding of  
26 approved projects by the use of other state funding programs,  
27 local contributions from seaports, and the creative use of  
28 federal funds. To better enable the ports to cooperate to  
29 their mutual advantage, the governing body of each port may  
30 exercise powers provided to municipalities or counties in s.  
31 163.01(7)(d), subject to the provisions of chapter 311 and

1 special acts, if any, pertaining to the port. The use of funds  
2 provided under this subsection is limited to eligible projects  
3 listed in this subsection. Section 311.07(4) does not apply to  
4 any funds received pursuant to this subsection.

5 ~~(6)(a)(5)(a)~~ Except as provided in paragraph (c), the  
6 remainder of such revenues must be deposited in the State  
7 Transportation Trust Fund.

8 (b) The Chief Financial Officer each month shall  
9 deposit in the State Transportation Trust Fund an amount,  
10 drawn from other funds in the State Treasury which are not  
11 immediately needed or are otherwise in excess of the amount  
12 necessary to meet the requirements of the State Treasury,  
13 which when added to such remaining revenues each month will  
14 equal one-twelfth of the amount of the anticipated annual  
15 revenues to be deposited in the State Transportation Trust  
16 Fund under paragraph (a) as determined by the Chief Financial  
17 Officer after consultation with the revenue estimating  
18 conference held pursuant to s. 216.136(3). The transfers  
19 required hereunder may be suspended by action of the  
20 Legislative Budget Commission in the event of a significant  
21 shortfall of state revenues.

22 (c) In any month in which the remaining revenues  
23 derived from the registration of motor vehicles exceed  
24 one-twelfth of those anticipated annual remaining revenues as  
25 determined by the Chief Financial Officer after consultation  
26 with the revenue estimating conference, the excess shall be  
27 credited to those state funds in the State Treasury from which  
28 the amount was originally drawn, up to the amount which was  
29 deposited in the State Transportation Trust Fund under  
30 paragraph (b). A final adjustment must be made in the last  
31 months of a fiscal year so that the total revenue deposited in

1 the State Transportation Trust Fund each year equals the  
 2 amount derived from the registration of motor vehicles, less  
 3 the amount distributed under subsection (1). For the purposes  
 4 of this paragraph and paragraph (b), the term "remaining  
 5 revenues" means all revenues deposited into the State  
 6 Transportation Trust Fund under paragraph (a) and subsections  
 7 (2) and (3). In order that interest earnings continue to  
 8 accrue to the General Revenue Fund, the Department of  
 9 Transportation may not invest an amount equal to the  
 10 cumulative amount of funds deposited in the State  
 11 Transportation Trust Fund under paragraph (b) less funds  
 12 credited under this paragraph as computed on a monthly basis.  
 13 The amounts to be credited under this and the preceding  
 14 paragraph must be calculated and certified to the Chief  
 15 Financial Officer by the Executive Office of the Governor.

16 Section 9. Section 336.68, Florida Statutes, is  
 17 created to read:

18 336.68 Special road and bridge district boundaries;  
 19 property owner's rights and options.--

20 (1) An owner of real property that is located within  
 21 the boundaries of a community development district created  
 22 under chapter 190 and a special road and bridge district  
 23 created under former ss. 336.61-336.67 may select the  
 24 community development district to be the provider of the road  
 25 and drainage improvements to the property of the owner. After  
 26 making this selection, the property owner may withdraw the  
 27 property from the special road and bridge district using the  
 28 procedures set forth in this section.

29 (2) In order to be eligible to withdraw the property  
 30 from the special road and bridge district, the subject  
 31 property may not have received improvements or benefits from

1 the special road and bridge district, there must be no  
2 outstanding bonded indebtedness of the special road and bridge  
3 district for which the property is subject to ad valorem tax  
4 levies, and the withdrawal of the property may not create an  
5 enclave bounded on all sides by other property within the  
6 boundaries of the special road and bridge district after the  
7 property owner withdraws the property from the special road  
8 and bridge district.

9 (3) If the property owner chooses to withdraw the  
10 property from the special road and bridge district, the  
11 property owner must file a certificate of withdrawal in the  
12 official records of each county in which the property is  
13 located. The certificate must identify the name and mailing  
14 address of the owner, the legal description of the property,  
15 the name of the district from which the property is being  
16 withdrawn, and the general location of the property within the  
17 district. The certificate must further state that the property  
18 has not received benefits from the district from which the  
19 property is to be withdrawn, that there is no bonded  
20 indebtedness owed by the district, and that the property being  
21 withdrawn will not become an enclave within the boundary of  
22 the special road and bridge district.

23 (4) The property owner must provide a copy of the  
24 recorded certificate to the governing body of the special road  
25 and bridge district from which the property is being withdrawn  
26 no later than 10 days after the certificate is filed with the  
27 county. If the district objects to the withdrawal of the  
28 property from the district, it must file a written objection  
29 in each county where the property is located identifying the  
30 withdrawal criteria that has not been satisfied. The objection  
31 must be filed within 30 days after the certificate is

1 recorded. If an objection is not filed within the 30-day  
2 period, the withdrawal of the property is deemed to be final,  
3 and the property is permanently withdrawn from the boundary of  
4 the special road and bridge district.

5 Section 10. Paragraph (c) of subsection (5) of section  
6 339.155, Florida Statutes, is amended to read:

7 339.155 Transportation planning.--

8 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

12 1. Two or more contiguous metropolitan planning  
13 organizations; one or more metropolitan planning organizations  
14 and one or more contiguous counties, none of which is a member  
15 of a metropolitan planning organization; a multicounty  
16 regional transportation authority created by or pursuant to  
17 law; two or more contiguous counties that are not members of a  
18 metropolitan planning organization; or metropolitan planning  
19 organizations comprised of three or more counties; ~~and-~~

20 2. A regional transportation planning organization,  
21 referred to as a RTPO. A RTPO may be formed in any  
22 census-designated urbanized area of 1 million or more persons  
23 to develop a regional transportation plan and to advise the  
24 department regarding the programming of regional  
25 transportation projects within the area.

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

28 (I) A representative of the metropolitan planning  
29 organizations serving the urbanized area. The member must be  
30 an elected official and a member of a metropolitan planning  
31

1 organization when elected and for the full extent of his or  
2 her term on the board.

3 (II) A representative of the public economic  
4 development agencies in the region who is not an elected  
5 official but who is a resident and a qualified elector in the  
6 region served by the RTPPO.

7 (III) A representative of any private economic  
8 development agencies in the region who is not an elected  
9 official but who is a resident and a qualified elector in the  
10 region served by the RTPPO.

11 (IV) A non-voting representative appointed by the  
12 Secretary of Transportation, who shall be the district  
13 secretary, or his or her designee, for each district, or part  
14 of a district, within the region served by the RTPPO.

15 (V) The executive director of the Turnpike Enterprise  
16 or his or her designee as a non-voting representative.

17 (VI) A representative of the public transit providers,  
18 as defined in chapter 341, operating within the region served  
19 by the RTPPO.

20 (VII) A representative of the airports designated as  
21 strategic intermodal system facilities located within the  
22 region served by the RTPPO.

23 (VIII) A representative of the affected seaports  
24 designated as strategic intermodal system facilities, located  
25 in the region served by the RTPPO.

26 (IX) A representative of the rail lines, designated as  
27 strategic intermodal system facilities, operating in the  
28 region served by the RTPPO.

29 (X) A representative of the expressway or bridge  
30 authority, created under chapter 348, operating in the region  
31 served by the RTPPO.



1           (XI) A member of the Florida Senate or House of  
2 Representatives in his or her capacity as the chair of the  
3 local legislative delegation.

4           b. The geographic area of the RTPPO may be expanded by  
5 agreement of the voting membership of the organization and the  
6 metropolitan planning organization serving the area to be  
7 included, or board of county commissioners if no metropolitan  
8 planning organization exists. Representatives of additional  
9 transportation-related activities may be included by agreement  
10 of the voting membership of the RTPPO.

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

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

19           3. A regional transportation planning organization is  
20 created to be known as the Bay Area Regional Transportation  
21 Planning Organization. The purpose of the organization is to  
22 develop a regional transportation plan and to advise the  
23 department regarding the programming of regional  
24 transportation projects within Citrus, Hernando, Hillsborough,  
25 Manatee, Pasco, Pinellas, and Sarasota Counties.

26           a. The voting membership of the organization consists  
27 of the following members:

28           (I) A representative of the chair's coordinating  
29 committee created under s. 339.175(5). The member must be an  
30 elected official and a member of a metropolitan planning  
31

1 organization when elected and for the full extent of his or  
2 her term on the board.

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

6 (III) A non-voting representative appointed by the  
7 Secretary of Transportation, who shall be the district  
8 secretary, or his or her designee, for each district or part  
9 of a district in the counties served by the organization.

10 (IV) The executive director of the Turnpike Enterprise  
11 or his or her designee as a non-voting representative.

12 (V) A representative of the Tampa Bay Commuter Transit  
13 Authority.

14 (VI) A representative of the Tampa-Hillsborough County  
15 Expressway Authority.

16 (VII) A representative of the Tampa Bay Regional  
17 Planning Council.

18 (VIII) A representative of the airports, collectively  
19 representing the interests of Tampa International Airport, St.  
20 Petersburg/Clearwater International Airport, and  
21 Sarasota/Bradenton International Airport.

22 (IX) A representative collectively representing the  
23 rail interests in the region.

24 (X) A representative collectively representing the  
25 governing boards of the Port of Tampa, Port Manatee, and the  
26 Port of St. Petersburg.

27 (XI) A representative collectively representing the  
28 public economic development agencies representing Citrus,  
29 Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota  
30 Counties.

31

1           (XII) A member of the Florida Senate or House of  
2 Representatives in his or her capacity as the chair of the Bay  
3 Area legislative delegation.

4           b. The geographic area may be expanded by agreement of  
5 the voting membership of the organization and the metropolitan  
6 planning organization serving the area to be included, or the  
7 board of county commissioners if no metropolitan planning  
8 organization exists. Representatives of additional  
9 transportation-related activities may be included by agreement  
10 of the voting membership of the organization.

11           c. The organization shall develop by-laws that provide  
12 for the election of a chair and terms of members. However, for  
13 the members representing the collective bodies listed in  
14 sub-sub-subparagraphs a.(I), (V), (VIII), (IX), and (XI), the  
15 initial terms must be 2 years.

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

19           Section 11. The sum of \$100,000 is appropriated from  
20 the State Transportation Trust Fund to the Department of  
21 Transportation for the purpose of funding the Bay Area  
22 Regional Transportation Planning Organization for the purpose  
23 of transportation planning for the 2006-2007 fiscal year.

24           Section 12. Subsection (2) of section 339.2819,  
25 Florida Statutes, is amended to read:

26           339.2819 Transportation Regional Incentive Program.--

27           (2)(a) For improvements to regionally significant  
28 facilities identified in a regional transportation plan  
29 developed under s. 339.155(5)(c)1., the percentage of matching  
30 funds provided from the Transportation Regional Incentive  
31 Program shall be 50 percent of project costs, ~~or up to 75~~

1 ~~percent of the nonfederal share of the eligible project cost~~  
2 ~~for the public transportation facility project.~~

3 (b) For improvements to regionally significant  
4 facilities identified in a regional transportation plan  
5 developed under s. 339.155(5)(c)2. or 3., by a regional  
6 transportation planning organization, the percentage of  
7 matching funds provided from the transportation regional  
8 incentive program shall be up to 75 percent of project costs.

9 Section 13. Subsection (1), paragraphs (a) and (b) of  
10 subsection (2), paragraphs (a) and (b) of subsection (3), and  
11 subsections (5) and (12) of section 339.175, Florida Statutes,  
12 are amended, to read:

13 339.175 Metropolitan planning organization.--It is the  
14 intent of the Legislature to encourage and promote the safe  
15 and efficient management, operation, and development of  
16 surface transportation systems that will serve the mobility  
17 needs of people and freight within and through urbanized areas  
18 of this state while minimizing transportation-related fuel  
19 consumption and air pollution. To accomplish these objectives,  
20 metropolitan planning organizations, referred to in this  
21 section as M.P.O.'s, shall develop, in cooperation with the  
22 state and public transit operators, transportation plans and  
23 programs for metropolitan areas. The plans and programs for  
24 each metropolitan area must provide for the development and  
25 integrated management and operation of transportation systems  
26 and facilities, including pedestrian walkways and bicycle  
27 transportation facilities that will function as an intermodal  
28 transportation system for the metropolitan area, based upon  
29 the prevailing principles provided in s. 334.046(1). The  
30 process for developing such plans and programs shall provide  
31 for consideration of all modes of transportation and shall be

1 continuing, cooperative, and comprehensive, to the degree  
2 appropriate, based on the complexity of the transportation  
3 problems to be addressed. To ensure that the process is  
4 integrated with the statewide planning process, M.P.O.'s shall  
5 develop plans and programs that identify transportation  
6 facilities that should function as an integrated metropolitan  
7 transportation system, giving emphasis to facilities that  
8 serve important national, state, and regional transportation  
9 functions. For the purposes of this section, those facilities  
10 include the facilities on the Strategic Intermodal System  
11 designated under s. 339.63 and facilities for which projects  
12 have been identified pursuant to s. 339.2819(4).

13 (1) DESIGNATION.--

14 (a)1. An M.P.O. shall be designated for each urbanized  
15 area of the state; however, this does not require that an  
16 individual M.P.O. be designated for each such area. ~~The Such~~  
17 designation shall be accomplished by agreement between the  
18 Governor and units of general-purpose local government  
19 representing at least 75 percent of the population of the  
20 urbanized area; however, the unit of general-purpose local  
21 government that represents the central city or cities within  
22 the M.P.O. jurisdiction, as defined by the United States  
23 Bureau of the Census, must be a party to ~~the such~~ agreement.

24 2. More than one M.P.O. may be designated within an  
25 existing metropolitan planning area only if the Governor and  
26 the existing M.P.O. determine that the size and complexity of  
27 the existing metropolitan planning area makes the designation  
28 of more than one M.P.O. for the area appropriate.

29 (b) Each M.P.O. required to be designated by Title 23  
30 of the United States Code shall be created and operated under  
31 the provisions of this section pursuant to an interlocal

1 agreement entered into pursuant to s. 163.01. The signatories  
2 to the interlocal agreement shall be the department and the  
3 governmental entities designated by the Governor for  
4 membership on the M.P.O. Each M.P.O. is separate from the  
5 state and the governing body of a local government which is  
6 represented on the governing board of the M.P.O. or which is a  
7 signatory to the interlocal agreement creating the M.P.O. The  
8 M.P.O. has the powers and privileges that are provided to it  
9 under s. 163.01. If there is a conflict between this section  
10 and s. 163.01, this section prevails.

11 (c) The jurisdictional boundaries of an M.P.O. shall  
12 be determined by agreement between the Governor and the  
13 applicable M.P.O. The boundaries must include at least the  
14 metropolitan planning area, which is the existing urbanized  
15 area and the contiguous area expected to become urbanized  
16 within a 20-year forecast period, and may encompass the entire  
17 metropolitan statistical area or the consolidated metropolitan  
18 statistical area.

19 (d) In the case of an urbanized area designated as a  
20 nonattainment area for ozone or carbon monoxide under the  
21 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
22 the metropolitan planning area in existence as of the date of  
23 enactment of this paragraph shall be retained, except that the  
24 boundaries may be adjusted by agreement of the Governor and  
25 affected metropolitan planning organizations in the manner  
26 described in this section. If more than one M.P.O. has  
27 authority within a metropolitan area or an area that is  
28 designated as a nonattainment area, each M.P.O. shall consult  
29 with other M.P.O.'s designated for such area and with the  
30 state in the coordination of plans and programs required by  
31 this section.

1       (e) The governing body of the M.P.O. shall designate a  
2 chair, a vice chair, and an agency clerk. The chair and vice  
3 chair must be selected from among the delegates representing  
4 the member organizations that comprise the governing board of  
5 the M.P.O. The agency clerk is responsible for preparing  
6 minutes of each meeting and maintaining the records of the  
7 M.P.O. The clerk may be a member of the M.P.O. governing  
8 board, an employee of the M.P.O., or any other natural person.  
9

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

12           (2) VOTING MEMBERSHIP.--

13           (a) The voting membership of an M.P.O. shall consist  
14 of not fewer than 5 or more than 19 apportioned members, the  
15 exact number to be determined on an equitable  
16 geographic-population ratio basis by the Governor, based on an  
17 agreement among the affected units of general-purpose local  
18 government as required by federal rules and regulations. The  
19 Governor, in accordance with 23 U.S.C. s. 134, may also  
20 provide for M.P.O. members who represent municipalities to  
21 alternate with representatives from other municipalities  
22 within the metropolitan planning area that do not have members  
23 on the M.P.O. County commission members shall compose not less  
24 than one-third of the M.P.O. membership, except for an M.P.O.  
25 with more than 15 members located in a county with a 5-member  
26 ~~five member~~ county commission or an M.P.O. with 19 members  
27 located in a county with no more than 6 county commissioners,  
28 in which case county commission members may compose less than  
29 one-third percent of the M.P.O. membership, but all county  
30 commissioners must be members. All voting members shall be  
31 elected officials of general-purpose local governments, except

1 that an M.P.O. may include, as part of its apportioned voting  
 2 members, a member of a statutorily authorized planning board,  
 3 an official of an agency that operates or administers a major  
 4 mode of transportation, or an official of the Florida Space  
 5 Authority. As used in this section, elected officials of a  
 6 general-purpose local government shall exclude constitutional  
 7 officers, including sheriffs, tax collectors, supervisors of  
 8 elections, property appraisers, clerks of the court, and  
 9 similar types of officials. County commissioners ~~The county~~  
 10 ~~commission~~ shall compose not less than 20 percent of the  
 11 M.P.O. membership if an official of an agency that operates or  
 12 administers a major mode of transportation has been appointed  
 13 to an M.P.O.

14 (b) In metropolitan areas in which authorities or  
 15 other agencies have been or may be created by law to perform  
 16 transportation functions and are performing transportation  
 17 functions that are not under the jurisdiction of a  
 18 general-purpose ~~general-purpose~~ local government represented  
 19 on the M.P.O., they shall be provided voting membership on the  
 20 M.P.O. In all other M.P.O.'s where transportation authorities  
 21 or agencies are to be represented by elected officials from  
 22 general-purpose ~~general-purpose~~ local governments, the M.P.O.  
 23 shall establish a process by which the collective interests of  
 24 such authorities or other agencies are expressed and conveyed.

25 (3) APPORTIONMENT.--

26 (a) The Governor shall, with the agreement of the  
 27 affected units of general-purpose local government as required  
 28 by federal rules and regulations, apportion the membership on  
 29 the applicable M.P.O. among the various governmental entities  
 30 within the area. At the request of a majority of the affected  
 31 units of general-purpose local government comprising an



1 M.P.O., the Governor and a majority of units of  
2 general-purpose local governments serving on an M.P.O. and  
3 shall cooperatively agree upon and prescribe who may serve as  
4 an alternate member and a method for appointing alternate  
5 members who may vote at any M.P.O. meeting that an alternate  
6 member attends in place of a regular member. The methodology  
7 shall be set forth as a part of the interlocal agreement  
8 describing the M.P.O.'s membership or in the M.P.O.'s  
9 operating procedures and bylaws. An appointed alternate member  
10 must be an elected official serving the same governmental  
11 entity or a general purpose local government with jurisdiction  
12 within all or part of the area that the regular member serves.  
13 The governmental entity so designated shall appoint the  
14 appropriate number of members to the M.P.O. from eligible  
15 officials. Representatives of the department shall serve as  
16 nonvoting members of the M.P.O. governing board. Nonvoting  
17 advisers may be appointed by the M.P.O. as deemed necessary;  
18 however, to the maximum extent feasible, each M.P.O. shall  
19 seek to appoint nonvoting representatives of various  
20 multimodal forms of transportation not otherwise represented  
21 by voting members of the M.P.O. An M.P.O. shall appoint  
22 nonvoting advisers representing major military installations  
23 upon the request of the major military installations and  
24 subject to the agreement of the M.P.O. All nonvoting advisers  
25 may attend and participate fully in governing board meetings  
26 but shall not vote and shall not be members of the governing  
27 board. The Governor shall review the composition of the M.P.O.  
28 membership in conjunction with the decennial census as  
29 prepared by the United States Department of Commerce, Bureau  
30 of the Census, and reapportion it as necessary to comply with  
31 subsection (2).

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

18           (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
19 privileges, and authority of an M.P.O. are those specified in  
20 this section or incorporated in an interlocal agreement  
21 authorized under s. 163.01. Each M.P.O. shall perform all acts  
22 required by federal or state laws or rules, now and  
23 subsequently applicable, which are necessary to qualify for  
24 federal aid. It is the intent of this section that each M.P.O.  
25 shall be involved in the planning and programming of  
26 transportation facilities, including, but not limited to,  
27 airports, intercity and high-speed rail lines, seaports, and  
28 intermodal facilities, to the extent permitted by state or  
29 federal law.

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

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

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

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

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

11           1. Support the economic vitality of the metropolitan  
12 area, especially by enabling global competitiveness,  
13 productivity, and efficiency;

14           2. Increase the safety and security of the  
15 transportation system for motorized and nonmotorized users;

16           3. Increase the accessibility and mobility options  
17 available to people and for freight;

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

20           5. Enhance the integration and connectivity of the  
21 transportation system, across and between modes, for people  
22 and freight;

23           6. Promote efficient system management and operation;  
24 and

25           7. Emphasize the preservation of the existing  
26 transportation system.

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

30           1. Prepare a congestion management system for the  
31 metropolitan area and cooperate with the department in the

1 development of all other transportation management systems  
2 required by state or federal law;

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

5 3. Assist the department in performing its duties  
6 relating to access management, functional classification of  
7 roads, and data collection;

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

10 5. Represent all the jurisdictional areas within the  
11 metropolitan area in the formulation of transportation plans  
12 and programs required by this section; and

13 6. Perform all other duties required by state or  
14 federal law.

15 (d) Each M.P.O. shall appoint a technical advisory  
16 committee that includes planners; engineers; representatives  
17 of local aviation authorities, port authorities, and public  
18 transit authorities or representatives of aviation  
19 departments, seaport departments, and public transit  
20 departments of municipal or county governments, as applicable;  
21 the school superintendent of each county within the  
22 jurisdiction of the M.P.O. or the superintendent's designee;  
23 and other appropriate representatives of affected local  
24 governments. In addition to any other duties assigned to it by  
25 the M.P.O. or by state or federal law, the technical advisory  
26 committee is responsible for considering safe access to  
27 schools in its review of transportation project priorities,  
28 long-range transportation plans, and transportation  
29 improvement programs, and shall advise the M.P.O. on such  
30 matters. In addition, the technical advisory committee shall  
31 coordinate its actions with local school boards and other

1 local programs and organizations within the metropolitan area  
2 which participate in school safety activities, such as locally  
3 established community traffic safety teams. Local school  
4 boards must provide the appropriate M.P.O. with information  
5 concerning future school sites and in the coordination of  
6 transportation service.

7 (e)1. Each M.P.O. shall appoint a citizens' advisory  
8 committee, the members of which serve at the pleasure of the  
9 M.P.O. The membership on the citizens' advisory committee must  
10 reflect a broad cross section of local residents with an  
11 interest in the development of an efficient, safe, and  
12 cost-effective transportation system. Minorities, the elderly,  
13 and the handicapped must be adequately represented.

14 2. Notwithstanding the provisions of subparagraph 1.,  
15 an M.P.O. may, with the approval of the department and the  
16 applicable federal governmental agency, adopt an alternative  
17 program or mechanism to ensure citizen involvement in the  
18 transportation planning process.

19 (f) The department shall allocate to each M.P.O., for  
20 the purpose of accomplishing its transportation planning and  
21 programming duties, an appropriate amount of federal  
22 transportation planning funds.

23 (g) Each M.P.O. shall have an executive or staff  
24 director, who reports directly to the M.P.O. governing board  
25 for all matters regarding the administration and operation of  
26 the M.P.O., and any additional personnel as deemed necessary.  
27 The executive director and any additional personnel may be  
28 employed either by an M.P.O. or by another governmental  
29 entity, such as a county, city, or regional planning council,  
30 which has a signed staff services agreement in effect with the  
31 M.P.O. In addition, an M.P.O. ~~may employ personnel or may~~

1 enter into contracts with local or state governmental  
2 agencies, private planning or engineering firms, or other  
3 private ~~engineering~~ firms to accomplish its transportation  
4 planning and programming duties and administrative functions  
5 required by state or federal law.

6 (h) Each M.P.O. shall provide training opportunities  
7 for local elected officials and others who serve on an M.P.O.  
8 in order to enhance their knowledge, effectiveness, and  
9 participation in the urbanized area transportation planning  
10 process. The training opportunities may be conducted by an  
11 individual M.P.O. or through statewide and federal training  
12 programs and initiatives that are specifically designed to  
13 meet the needs of M.P.O. board members.

14 (i)(h) A chair's coordinating committee is created,  
15 composed of the M.P.O.'s serving Hernando, Hillsborough,  
16 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
17 committee must, at a minimum:

18 1. Coordinate transportation projects deemed to be  
19 regionally significant by the committee.

20 2. Review the impact of regionally significant land  
21 use decisions on the region.

22 3. Review all proposed regionally significant  
23 transportation projects in the respective transportation  
24 improvement programs which affect more than one of the  
25 M.P.O.'s represented on the committee.

26 4. Institute a conflict resolution process to address  
27 any conflict that may arise in the planning and programming of  
28 such regionally significant projects.

29 (j)(i)1. The Legislature finds that the state's rapid  
30 growth in recent decades has caused many urbanized areas  
31 subject to M.P.O. jurisdiction to become contiguous to each

1 other. As a result, various transportation projects may cross  
 2 from the jurisdiction of one M.P.O. into the jurisdiction of  
 3 another M.P.O. To more fully accomplish the purposes for which  
 4 M.P.O.'s have been mandated, M.P.O.'s shall develop  
 5 coordination mechanisms with one another to expand and improve  
 6 transportation within the state. The appropriate method of  
 7 coordination between M.P.O.'s shall vary depending upon the  
 8 project involved and given local and regional needs.  
 9 Consequently, it is appropriate to set forth a flexible  
 10 methodology that can be used by M.P.O.'s to coordinate with  
 11 other M.P.O.'s and appropriate political subdivisions as  
 12 circumstances demand.

13           2. Any M.P.O. may join with any other M.P.O. or any  
 14 individual political subdivision to coordinate activities or  
 15 to achieve any federal or state transportation planning or  
 16 development goals or purposes consistent with federal or state  
 17 law. When an M.P.O. determines that it is appropriate to join  
 18 with another M.P.O. or any political subdivision to coordinate  
 19 activities, the M.P.O. or political subdivision shall enter  
 20 into an interlocal agreement pursuant to s. 163.01, which, at  
 21 a minimum, creates a separate legal or administrative entity  
 22 to coordinate the transportation planning or development  
 23 activities required to achieve the goal or purpose; provides  
 24 ~~provide~~ the purpose for which the entity is created; provides  
 25 ~~provide~~ the duration of the agreement and the entity, and  
 26 specifies ~~specify~~ how the agreement may be terminated,  
 27 modified, or rescinded; describes ~~describe~~ the precise  
 28 organization of the entity, including who has voting rights on  
 29 the governing board, whether alternative voting members are  
 30 provided for, how voting members are appointed, and what the  
 31 relative voting strength is for each constituent M.P.O. or

1 political subdivision; provides ~~provide~~ the manner in which  
 2 the parties to the agreement will provide for the financial  
 3 support of the entity and payment of costs and expenses of the  
 4 entity; provides ~~provide~~ the manner in which funds may be paid  
 5 to and disbursed from the entity; and provides ~~provide~~ how  
 6 members of the entity will resolve disagreements regarding  
 7 interpretation of the interlocal agreement or disputes  
 8 relating to the operation of the entity. Such interlocal  
 9 agreement shall become effective upon its recordation in the  
 10 official public records of each county in which a member of  
 11 the entity created by the interlocal agreement has a voting  
 12 member. This paragraph does not require any M.P.O.'s to merge,  
 13 combine, or otherwise join together as a single M.P.O.

14 (12) VOTING REQUIREMENTS.--Each long-range  
 15 transportation plan required pursuant to subsection (6), each  
 16 annually updated Transportation Improvement Program required  
 17 under subsection (7), and each amendment that affects projects  
 18 in the first 3 years of such plans and programs must be  
 19 approved by each M.P.O. on a supermajority ~~recorded~~ roll call  
 20 vote or hand-counted vote of a majority plus one of the  
 21 membership present.

22 Section 14. The Florida Transportation Commission  
 23 shall conduct a study of the progress made by M.P.O.'s to  
 24 establish improved coordinated transportation planning  
 25 processes. The report must, at a minimum, address the efforts  
 26 and progress of each M.P.O. to include representatives of the  
 27 various modes of transportation into the metropolitan planning  
 28 process; the efforts and progress of M.P.O.'s located within  
 29 urbanized areas consisting of more than one M.P.O., or  
 30 M.P.O.'s located in urbanized areas that are contiguous to  
 31 M.P.O.'s serving different urbanized areas, to implement



1 coordinated long-range transportation plans covering the  
2 combined metropolitan planning area; the extent to which these  
3 long-range plans serve as the basis for the transportation  
4 improvement program of each M.P.O.; and an assessment of the  
5 effectiveness of processes to prioritize  
6 regionally-significant projects and implement regional public  
7 involvement activities. The report shall be submitted to the  
8 Governor, the President of the Senate, and the Speaker of the  
9 House of Representatives no later than January 15, 2007.

10 Section 15. Paragraph (h) of subsection (2) of section  
11 20.23, Florida Statutes, is amended to read:

12 20.23 Department of Transportation.--There is created  
13 a Department of Transportation which shall be a decentralized  
14 agency.

15 (2)

16 (h) The commission shall appoint an executive director  
17 and assistant executive director, who shall serve under the  
18 direction, supervision, and control of the commission. The  
19 executive director, with the consent of the commission, shall  
20 employ such staff as are necessary to perform adequately the  
21 functions of the commission, within budgetary limitations. All  
22 employees of the commission are exempt from part II of chapter  
23 110 and shall serve at the pleasure of the commission. The  
24 salaries and benefits of all employees of the commission,  
25 except for the executive director, shall be set in accordance  
26 with the Selected Exempt Service; ~~provided,~~ however, that the  
27 salary and benefits of the executive director shall be set in  
28 accordance with the Senior Management Service. The commission  
29 shall have complete authority for fixing the salary of the  
30 executive director and assistant executive director.

31

1           Section 16. Paragraph (c) of subsection (6) of section  
2 332.007, Florida Statutes, is amended to read:

3           332.007 Administration and financing of aviation and  
4 airport programs and projects; state plan.--

5           (6) Subject to the availability of appropriated funds,  
6 the department may participate in the capital cost of eligible  
7 public airport and aviation development projects in accordance  
8 with the following rates, unless otherwise provided in the  
9 General Appropriations Act or the substantive bill  
10 implementing the General Appropriations Act:

11           (c) When federal funds are not available, the  
12 department may fund up to 80 percent of master planning and  
13 eligible aviation development projects at publicly owned,  
14 publicly operated airports. If federal funds are available but  
15 are insufficient to meet the maximum authorized federal share,  
16 the department may fund up to 80 percent of the nonfederal  
17 share of such projects. Such funding is limited to airports  
18 that have no scheduled commercial service.

19           Section 17. Subsection (8) of section 332.007, Florida  
20 Statutes, is amended to read:

21           332.007 Administration and financing of aviation and  
22 airport programs and projects; state plan.--

23           (8) Notwithstanding any other provision of law to the  
24 contrary, the department is authorized to provide operational  
25 and maintenance assistance to publicly owned public-use  
26 airports. Such assistance shall be to comply with enhanced  
27 federal security requirements or to address related economic  
28 impacts from the events of September 11, 2001. For projects in  
29 the current adopted work program, or projects added using the  
30 available budget of the department, airports may request the  
31 department change the project purpose in accordance with this

1 provision notwithstanding the provisions of s. 339.135(7). For  
2 purposes of this subsection, the department may fund up to 100  
3 percent of eligible project costs that are not funded by the  
4 Federal Government. Prior to releasing any funds under this  
5 section, the department shall review and approve the  
6 expenditure plans submitted by the airport. The department  
7 shall inform the Legislature of any change that it approves  
8 under this subsection. This subsection shall expire on June  
9 30, 2012 ~~2007~~.

10 Section 18. Paragraph (e) of subsection (2) of section  
11 212.055, Florida Statutes, is amended, and subsection (8) is  
12 added to that section, to read:

13 212.055 Discretionary sales surtaxes; legislative  
14 intent; authorization and use of proceeds.--It is the  
15 legislative intent that any authorization for imposition of a  
16 discretionary sales surtax shall be published in the Florida  
17 Statutes as a subsection of this section, irrespective of the  
18 duration of the levy. Each enactment shall specify the types  
19 of counties authorized to levy; the rate or rates which may be  
20 imposed; the maximum length of time the surtax may be imposed,  
21 if any; the procedure which must be followed to secure voter  
22 approval, if required; the purpose for which the proceeds may  
23 be expended; and such other requirements as the Legislature  
24 may provide. Taxable transactions and administrative  
25 procedures shall be as provided in s. 212.054.

26 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

27 (e) School districts, counties, and municipalities  
28 receiving proceeds under the provisions of this subsection may  
29 pledge such proceeds for the purpose of servicing new bond  
30 indebtedness incurred pursuant to law. Local governments may  
31 use the services of the Division of Bond Finance of the State

1 Board of Administration pursuant to the State Bond Act to  
2 issue any bonds through the provisions of this subsection. ~~In~~  
3 ~~no case may a jurisdiction issue bonds pursuant to this~~  
4 ~~subsection more frequently than once per year.~~ Counties and  
5 municipalities may join together for the issuance of bonds  
6 authorized by this subsection.

7 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

8 (a) The governing authority of a county that is not  
9 authorized to levy a discretionary sales surtax pursuant to  
10 subsection (1) may levy a discretionary sales surtax pursuant  
11 to ordinance enacted by a majority of the members of the  
12 county governing authority and subject to approval by a  
13 majority vote of the electorate of the county.

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

15 (c) If the proposal to adopt a discretionary sales  
16 surtax is to be adopted by a referendum as provided in this  
17 subsection, such proposal shall be placed on the ballot in  
18 accordance with law at a time to be set at the discretion of  
19 the governing body of the county.

20 (d) Proceeds from the surtax shall be distributed to  
21 the county and to each municipality within the county in which  
22 the surtax is collected according to:

23 1. A separate interlocal agreement between the county  
24 governing body and the governing body of any municipality  
25 within the county; or

26 2. If there is no interlocal agreement between the  
27 county governing body and the governing body of any  
28 municipality within the county, an apportionment factor for  
29 each eligible local government as specified in this  
30 subparagraph.

31

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

3           (I) Each eligible county's population in the  
4 unincorporated areas of the county as a percentage of the  
5 total county population as determined pursuant to s. 186.901.

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

12           b. The apportionment factor for an eligible  
13 municipality shall be composed of two equally weighted  
14 portions as follows:

15           (I) Each eligible municipality's population as a  
16 percentage of the total county population as determined  
17 pursuant to s. 186.901.

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

24           (e) Proceeds from the surtax shall be applied to as  
25 many or as few of the uses enumerated below in whatever  
26 combination the governing body of the municipality or the  
27 county considers appropriate:

28           1. Deposited by the governing body of the municipality  
29 or the county in the trust fund and used for the purposes of  
30 development, construction, equipment, maintenance, operation,  
31

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

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

15 3. Used by the governing body of the municipality or  
16 county for the planning, development, construction, operation,  
17 and maintenance of roads, bicycle and pedestrian facilities,  
18 or bridges in the municipality or county; for the planning,  
19 development, expansion, operation, and maintenance of bus and  
20 fixed guideway systems; and for the payment of principal and  
21 interest on bonds issued for the construction of fixed  
22 guideway rapid transit systems, bus systems, roads, bicycle  
23 and pedestrian facilities, or bridges; and, upon approval by  
24 the governing body of the municipality or county, pledged by  
25 the governing body of the municipality or county for bonds  
26 issued to refinance existing bonds or new bonds issued for the  
27 construction of such fixed guideway rapid transit systems, bus  
28 systems, roads, bicycle and pedestrian facilities, or bridges;

29 4. Used by the county or municipality to fund  
30 regionally significant transportation projects that are  
31 identified in a regional transportation plan developed in

1 accordance with s. 339.155(5) or to provide matching funds for  
2 the Transportation Regional Incentive Program in accordance  
3 with s. 339.2819 or the New Starts Transit Program as provided  
4 in s. 341.051; and

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

11 Section 19. Paragraph (c) of subsection (1) of section  
12 336.025, Florida Statutes, is amended to read:

13 336.025 County transportation system; levy of local  
14 option fuel tax on motor fuel and diesel fuel.--

15 (1)

16 (c) Local governments may use the services of the  
17 Division of Bond Finance of the State Board of Administration  
18 pursuant to the State Bond Act to issue any bonds through the  
19 provisions of this section and may pledge the revenues from  
20 local option fuel taxes to secure the payment of the bonds. ~~In~~  
21 ~~no case may a jurisdiction issue bonds pursuant to this~~  
22 ~~section more frequently than once per year.~~ Counties and  
23 municipalities may join together for the issuance of bonds  
24 issued pursuant to this section.

25 Section 20. Paragraph (j) of subsection (1) of section  
26 339.08, Florida Statutes, is amended to read:

27 339.08 Use of moneys in State Transportation Trust  
28 Fund.--

29 (1) The department shall expend moneys in the State  
30 Transportation Trust Fund accruing to the department, in  
31

1 accordance with its annual budget. The use of such moneys  
2 shall be restricted to the following purposes:

3 (j) To pay the cost of county or municipal road  
4 projects selected in accordance with the County Incentive  
5 Grant Program created in s. 339.2817, ~~and~~ the Small County  
6 Outreach Program created in s. 339.2818, and the Enhanced  
7 Bridge Program created in s. 339.282.

8 Section 21. Section 339.282, Florida Statutes, is  
9 created to read:

10 339.282 Enhanced Bridge Program for Sustainable  
11 Transportation.--

12 (1) There is created within the Department of  
13 Transportation the Enhanced Bridge Program for Sustainable  
14 Transportation for the purpose of providing funds to improve  
15 the sufficiency rating of local bridges and to improve  
16 congested roads on the State Highway System or local corridors  
17 on which high-cost bridges are located in order to improve a  
18 corridor or provide an alternative corridor.

19 (2) Matching funds provided from the program may fund  
20 up to 50 percent of project costs.

21 (3) The department shall allocate a minimum of 25  
22 percent of funding available for the program for local bridge  
23 projects to replace, rehabilitate, paint, or install scour  
24 countermeasures to highway bridges located on public roads,  
25 other than those on the State Highway System. A project to be  
26 funded must, at a minimum:

27 (a) Be classified as a structurally deficient bridge  
28 having a poor condition rating for the deck, superstructure,  
29 substructure component, or culvert;

30 (b) Have a sufficiency rating of 35 or below; and  
31



1           (c) Have average daily traffic of at least 500  
2 vehicles.

3           (4) Special consideration shall be given to bridges  
4 that are closed to all traffic or that have a load restriction  
5 of less than 10 tons.

6           (5) The department shall allocate remaining funding  
7 available for the program to improve highly congested roads on  
8 the State Highway System or local corridors on which high-cost  
9 bridges are located in order to improve the corridor or  
10 provide an alternative corridor. A project to be funded must,  
11 at a minimum:

12           (a) Be on or provide direct relief to an existing  
13 corridor that is backlogged or constrained; and

14           (b) Be a major bridge having an estimated cost greater  
15 than \$25 million.

16           (6) Preference shall be given to bridge projects  
17 located on corridors that connect to the Strategic Intermodal  
18 System, created under s. 339.64, and that have been identified  
19 as regionally significant in accordance with s.  
20 339.155(5)(c), (d), and (e).

21           Section 22. Section 339.284, Florida Statutes, is  
22 created to read:

23           339.284 Transportation concurrency incentives.--The  
24 Legislature finds that allowing private-sector entities to  
25 finance, construct, and improve public transportation  
26 facilities can provide significant benefits to the citizens of  
27 this state by facilitating transportation of the general  
28 public without the need for additional public tax revenues. In  
29 order to encourage the more efficient and proactive provision  
30 of transportation improvements by the private sector, if a  
31 developer or property owner voluntarily contributes

1 right-of-way and physically constructs or expands a state  
2 transportation facility or segment and such construction or  
3 expansion improves traffic flow, capacity, or safety, the  
4 voluntary contribution may be applied as a credit for that  
5 property owner or developer against any future transportation  
6 concurrency requirements pursuant to chapter 163, provided  
7 such contributions and credits are set forth in a legally  
8 binding agreement executed by the property owner or developer,  
9 the local government within whose jurisdiction the facility is  
10 located, and the department. If the developer or property  
11 owner voluntarily contributes right-of-way and physically  
12 constructs or expands a local government transportation  
13 facility or segment and such construction or expansion meets  
14 the requirements in this section and in a legally binding  
15 agreement between the property owner or developer and the  
16 applicable local government, the contribution to the local  
17 government collector and arterial system may be applied as a  
18 credit against any future transportation concurrency  
19 requirements pursuant to chapter 163.

20 Section 23. Paragraph (b) of subsection (3) of section  
21 316.650, Florida Statutes, is amended to read:

22 316.650 Traffic citations.--

23 (3)

24 (b) If a traffic citation is issued pursuant to s.  
25 316.1001, a traffic enforcement officer may deposit the  
26 original and one copy of such traffic citation or, in the case  
27 of a traffic enforcement agency that has an automated citation  
28 system, may provide an electronic facsimile with a court  
29 having jurisdiction over the alleged offense or with its  
30 traffic violations bureau within 45 days after the date of  
31 issuance of the citation to the violator. If the person cited

1 for the violation of s. 316.1001 makes the election provided  
2 by s. 318.14(12) and pays the fine imposed by the toll  
3 authority plus the amount of the unpaid toll which is shown on  
4 the traffic citation directly to the governmental entity that  
5 issued the citation in accordance with s. 318.14(12), the  
6 traffic citation will not be submitted to the court, the  
7 disposition will be reported to the department by the  
8 governmental entity that issued the citation, and no points  
9 will be assessed against the person's driver's license.

10 Section 24. Subsection (12) of section 318.14, Florida  
11 Statutes, is amended to read:

12 318.14 Noncriminal traffic infractions; exception;  
13 procedures.--

14 (12) Any person cited for a violation of s. 316.1001  
15 may, in lieu of making an election as set forth in subsection  
16 (4) or s. 318.18(7), elect to pay a his or her fine of \$25 or,  
17 such other amount as imposed by the toll authority, plus the  
18 amount of the unpaid toll which is shown on the traffic  
19 citation directly to the governmental entity that issued the  
20 citation, within 30 days after the date of issuance of the  
21 citation. Any person cited for a violation of s. 316.1001 who  
22 does not elect to pay the fine imposed by the toll authority  
23 plus the amount of the unpaid toll which is shown on the  
24 traffic citation directly to the governmental entity that  
25 issued the citation as described in this subsection ~~section~~  
26 shall have an additional 45 days after the date of the  
27 issuance of the citation in which to request a court hearing  
28 or to pay the civil penalty and delinquent fee, if applicable,  
29 as provided in s. 318.18(7), either by mail or in person, in  
30 accordance with subsection (4).

31

1 Section 25. Subsection (7) of section 318.18, Florida  
2 Statutes, is amended to read:

3 318.18 Amount of civil penalties.--The penalties  
4 required for a noncriminal disposition pursuant to s. 318.14  
5 are as follows:

6 (7) A mandatory fine of \$100 ~~One hundred dollars~~ for  
7 each a violation of s. 316.1001 plus the amount of the unpaid  
8 toll shown on the traffic citation for each citation issued.  
9 The clerk of the court shall forward \$25 of the \$100 fine  
10 received plus the amount of the unpaid toll which is shown on  
11 the citation to the governmental entity that issued the  
12 citation. If adjudication is withheld or there is a plea  
13 arrangement prior to a hearing, there shall be a minimum  
14 mandatory fine assessed per citation of \$100 plus the amount  
15 of the unpaid toll for each citation issued. The clerk of the  
16 court shall forward \$25 of the \$100 plus the amount of the  
17 unpaid toll as shown on the citation to the governmental  
18 entity that issued the citation. The court shall have specific  
19 authority to consolidate issued citations for the same  
20 defendant for the purpose of sentencing and aggregate  
21 jurisdiction. In addition, the department shall suspend for 60  
22 days the driver's license of a person who is convicted of 10  
23 violations of s. 316.1001 within a 36-month period. However, a  
24 person may elect to pay \$30 to the clerk of the court, in  
25 which case adjudication is withheld, and no points are  
26 assessed under s. 322.27. Upon receipt of the fine, the clerk  
27 of the court must retain \$5 for administrative purposes and  
28 must forward the \$25 to the governmental entity that issued  
29 the citation. Any funds received by a governmental entity for  
30 this violation may be used for any lawful purpose related to  
31 the operation or maintenance of a toll facility.

1 Section 26. Subsection (6) is added to section  
2 348.754, Florida Statutes, to read:

3 348.754 Purposes and powers.--

4 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange  
5 County Expressway Authority may waive payment and performance  
6 bonds on construction contracts for the construction of a  
7 public building, for the prosecution and completion of a  
8 public work, or for repairs on a public building or public  
9 work that has a cost of \$500,000 or less and when the project  
10 is awarded pursuant to an economic development program for the  
11 encouragement of local small businesses which has been adopted  
12 by the governing body of the Orlando-Orange County Expressway  
13 Authority pursuant to a resolution or policy.

14 (b) The authority's adopted criteria for participation  
15 in the economic development program for local small businesses  
16 requires that a participant:

17 1. Be an independent business.

18 2. Be principally domiciled in the Orange County  
19 Standard Metropolitan Statistical Area.

20 3. Employ 25 or fewer full-time employees.

21 4. Have gross annual sales averaging \$3 million or  
22 less over the immediately preceding 3 calendar years with  
23 regard to any construction element of the program.

24 5. Be accepted as a participant in the Orlando-Orange  
25 County Expressway Authority's microcontracts program or such  
26 other small business program as may be hereinafter enacted by  
27 the Orlando-Orange County Expressway Authority.

28 6. Participate in an educational curriculum or  
29 technical assistance program for business development which  
30 will assist the small business in becoming eligible for  
31 bonding.

1           (c) The authority's adopted procedures for waiving  
2 payment and performance bonds on projects having values not  
3 less than \$200,000 and not exceeding \$500,000 shall provide  
4 that payment and performance bonds may be waived only on  
5 projects that have been set aside to be competitively bid on  
6 by participants in an economic development program for local  
7 small businesses. The authority's executive director or his or  
8 her designee shall determine whether specific construction  
9 projects are suitable for:

- 10           1. Bidding under the authority's microcontracts  
11 program by registered local small businesses; and  
12           2. Waiver of the payment and performance bond.

13  
14 The decision of the authority's executive director or deputy  
15 executive director to waive the payment and performance bond  
16 shall be based upon his or her investigation and conclusion  
17 that there exists sufficient competition so that the authority  
18 receives a fair price and does not undertake any unusual risk  
19 with respect to such project.

20           (d) For any contract for which a payment and  
21 performance bond has been waived pursuant to the authority set  
22 forth in this section, the Orlando-Orange County Expressway  
23 Authority shall pay all persons defined in s. 713.01 who  
24 furnish labor, services, or materials for the prosecution of  
25 the work provided for in the contract to the same extent and  
26 upon the same conditions that a surety on the payment bond  
27 under s. 255.05 would have been obligated to pay such persons  
28 if the payment and performance bond had not been waived. The  
29 authority shall record notice of this obligation in the manner  
30 in which and at the location where surety bonds are recorded.  
31 The notice must include the information describing the

1 contract that s. 255.05(1) requires be stated on the front  
2 page of the bond. Notwithstanding that s. 255.05(9) generally  
3 applies when a performance and payment bond is required, s.  
4 255.05(9) shall apply under this subsection to any contract  
5 for which performance or payment bonds are waived, and any  
6 claim to payment under this subsection shall be treated as a  
7 contract claim pursuant to s. 255.05(9).

8 (e) A small business that has been the successful  
9 bidder on six projects for which the payment and performance  
10 bond was waived by the authority pursuant to paragraph (a)  
11 shall be ineligible to bid on additional projects for which  
12 the payment and performance bond is to be waived. The local  
13 small business may continue to participate in other elements  
14 of the economic development program for local small businesses  
15 as long as it is eligible to do so.

16 (f) The authority shall conduct bond-eligibility  
17 training for businesses qualifying for bond waiver under this  
18 subsection to encourage and promote bond eligibility for such  
19 businesses.

20 (g) The authority shall prepare a biennial report on  
21 the activities undertaken pursuant to this subsection to be  
22 submitted to the Orange County legislative delegation. The  
23 initial report shall be due December 31, 2008.

24 Section 27. Subsection (9) of section 348.0004,  
25 Florida Statutes, is amended to read:

26 348.0004 Purposes and powers.--

27 (9) The Legislature declares that there is a public  
28 need for rapid construction of safe and efficient  
29 transportation facilities for travel within the state and that  
30 it is in the public's interest to provide for public-private  
31 partnership agreements to effectuate the construction of

1 additional safe, convenient, and economical transportation  
2 facilities.

3 (a) Notwithstanding any other provision of the Florida  
4 Expressway Authority Act, any expressway authority,  
5 transportation authority, bridge authority, or toll authority  
6 established under this part or any other statute may receive  
7 or solicit proposals and enter into agreements with private  
8 entities, or consortia thereof, for the building, operation,  
9 ownership, or financing of ~~expressway~~ authority transportation  
10 facilities or new transportation facilities within the  
11 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~  
12 authority is authorized to adopt rules to implement this  
13 subsection and shall, by rule, establish an application fee  
14 for the submission of unsolicited proposals under this  
15 subsection. The fee must be sufficient to pay the costs of  
16 evaluating the proposals. An ~~expressway~~ authority may engage  
17 private consultants to assist in the evaluation. Before  
18 approval, an ~~expressway~~ authority must determine that a  
19 proposed project:

- 20 1. Is in the public's best interest.
- 21 2. Would not require state funds to be used unless the  
22 project is on or provides increased mobility on the State  
23 Highway System.
- 24 3. Would have adequate safeguards to ensure that no  
25 additional costs or service disruptions would be realized by  
26 the traveling public and residents ~~citizens~~ of the state in  
27 the event of default or the cancellation of the agreement by  
28 the ~~expressway~~ authority.

29 (b) An ~~expressway~~ authority shall ensure that all  
30 reasonable costs to the state which are, related to  
31 transportation facilities that are not part of the State



1 Highway System~~7~~ are borne by the private entity. An ~~expressway~~  
2 authority shall also ensure that all reasonable costs to the  
3 state and substantially affected local governments and  
4 utilities related to the private transportation facility are  
5 borne by the private entity for transportation facilities that  
6 are owned by private entities. For projects on the State  
7 Highway System, the department may use state resources to  
8 participate in funding and financing the project as provided  
9 for under the department's enabling legislation.

10 (c) The ~~expressway~~ authority may request proposals for  
11 public-private transportation projects or, if it receives an  
12 unsolicited proposal, it must publish a notice in the Florida  
13 Administrative Weekly and a newspaper of general circulation  
14 in the county in which it is located at least once a week for  
15 2 weeks~~7~~, stating that it has received the proposal and will  
16 accept, for 60 days after the initial date of publication,  
17 other proposals for the same project purpose. A copy of the  
18 notice must be mailed to each local government in the affected  
19 areas. After the public notification period has expired, the  
20 ~~expressway~~ authority shall rank the proposals in order of  
21 preference. In ranking the proposals, the ~~expressway~~ authority  
22 shall consider professional qualifications, general business  
23 terms, innovative engineering or cost-reduction terms, finance  
24 plans, and the need for state funds to deliver the proposal.  
25 If the ~~expressway~~ authority is not satisfied with the results  
26 of the negotiations, it may, at its sole discretion, terminate  
27 negotiations with the proposer. If these negotiations are  
28 unsuccessful, the ~~expressway~~ authority may go to the second  
29 and lower-ranked firms, in order, using the same procedure. If  
30 only one proposal is received, the ~~expressway~~ authority may  
31 negotiate in good faith, and if it is not satisfied with the

1 results, it may, at its sole discretion, terminate  
2 negotiations with the proposer. Notwithstanding this  
3 paragraph, the ~~expressway~~ authority may, at its discretion,  
4 reject all proposals at any point in the process up to  
5 completion of a contract with the proposer.

6 (d) The department may lend funds from the Toll  
7 Facilities Revolving Trust Fund, as outlined in s. 338.251, to  
8 public-private partnerships. To be eligible a private entity  
9 must comply with s. 338.251 and must provide an indication  
10 from a nationally recognized rating agency that the senior  
11 bonds for the project will be investment grade or must provide  
12 credit support, such as a letter of credit or other means  
13 acceptable to the department, to ensure that the loans will be  
14 fully repaid.

15 (e) Agreements entered into pursuant to this  
16 subsection may authorize the public-private entity to impose  
17 tolls or fares for the use of the facility. However, the  
18 amount and use of toll or fare revenues shall be regulated by  
19 the ~~expressway~~ authority to avoid unreasonable costs to users  
20 of the facility.

21 (f) Each public-private transportation facility  
22 constructed pursuant to this subsection shall comply with all  
23 requirements of federal, state, and local laws; state,  
24 regional, and local comprehensive plans; the ~~expressway~~  
25 authority's rules, policies, procedures, and standards for  
26 transportation facilities; and any other conditions that the  
27 ~~expressway~~ authority determines to be in the public's best  
28 interest.

29 (g) An ~~expressway~~ authority may exercise any power  
30 possessed by it, including eminent domain, to facilitate the  
31 development and construction of transportation projects

1 pursuant to this subsection. An ~~expressway~~ authority may pay  
2 all or part of the cost of operating and maintaining the  
3 facility or may provide services to the private entity for  
4 which it receives full or partial reimbursement for services  
5 rendered.

6 (h) Except as herein provided, this subsection is not  
7 intended to amend existing laws by granting additional powers  
8 to or further restricting the governmental entities from  
9 regulating and entering into cooperative arrangements with the  
10 private sector for the planning, construction, and operation  
11 of transportation facilities. Use of the powers granted in  
12 this subsection may not subject a statutorily created  
13 expressway authority, transportation authority, bridge  
14 authority, or toll authority, other than one statutorily  
15 created under this part, to any of the requirements of this  
16 part other than those contained in this subsection.

17 Section 28. Section 348.0012, Florida Statutes, is  
18 amended to read:

19 348.0012 Exemptions from applicability.--The Florida  
20 Expressway Authority Act does not apply:

21 (1) In a county in which an expressway authority has  
22 been created pursuant to other parts ~~II-IX~~ of this chapter,  
23 except as expressly provided in this part; or

24 (2) To a transportation authority created pursuant to  
25 chapter 349.

26 Section 29. The Legislative Committee on  
27 Intergovernmental Relations shall study methods to incentivize  
28 and reward local governments that demonstrate maximum local  
29 effort in funding local transportation needs to the benefit of  
30 the state transportation system through the use of  
31 local-option revenue sources. The Department of Revenue, the

1 Department of Transportation, and other state agencies shall  
2 provide data and support as requested by the committee for the  
3 purpose of the study. All local governments are encouraged to  
4 assist and cooperate with the committee as necessary. The  
5 committee shall submit a report summarizing its research  
6 findings and proposed policy options to the Governor, the  
7 President of the Senate, and the Speaker of the House of  
8 Representatives by December 1, 2006.

9           Section 30. This act shall take effect July 1, 2006.

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