

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 committee to submit a report summarizing its



1 findings; amending s. 338.251, F.S.;

2 authorizing the department to make loans to

3 multi-county transportation authorities;

4 providing an effective date.

5

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

7

8 Section 1. Subsection (14) of section 112.061, Florida

9 Statutes, is amended to read:

10 112.061 Per diem and travel expenses of public

11 officers, employees, and authorized persons.--

12 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,

13 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

14 (a) Rates that exceed the maximum travel reimbursement

15 rates for nonstate travelers specified in paragraph (6)(a) for

16 per diem, in paragraph (6)(b) for subsistence, and in

17 subparagraph (7)(d)1. for mileage may be established by:

18 1. The governing body of a county by the enactment of

19 an ordinance or resolution;

20 2. A county constitutional officer, pursuant to s.

21 1(d), Art. VIII of the State Constitution, by the

22 establishment of written policy;

23 3. The governing body of a district school board by

24 the adoption of rules; ~~or~~

25 4. The governing body of a special district, as

26 defined in s. 189.403(1), except those special districts that

27 are subject to s. 166.021(10), by the enactment of a

28 resolution; or

29 5. Any metropolitan planning organization created

30 pursuant to s. 339.175, or any separate legal or

31 administrative entity created pursuant to s. 339.175 of which

1 a metropolitan planning organization is a member, by enactment  
 2 of a resolution.

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

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

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

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

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

1 (52) "Regularly established position" is defined as  
2 follows:

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

8 Section 3. Paragraph (b) of subsection (2) of section  
9 121.051, Florida Statutes, is amended to read:

10 121.051 Participation in the system.--

11 (2) OPTIONAL PARTICIPATION.--

12 (b)1. The governing body of any municipality,  
13 metropolitan planning organization, or special district in the  
14 state may elect to participate in the system upon proper  
15 application to the administrator and may cover all or any of  
16 its units as approved by the Secretary of Health and Human  
17 Services and the administrator. The department shall adopt  
18 rules establishing provisions for the submission of documents  
19 necessary for such application. Prior to being approved for  
20 participation in the Florida Retirement System, the governing  
21 body of any such municipality, metropolitan planning  
22 organization, or special district that has a local retirement  
23 system shall submit to the administrator a certified financial  
24 statement showing the condition of the local retirement system  
25 as of a date within 3 months prior to the proposed effective  
26 date of membership in the Florida Retirement System. The  
27 statement must be certified by a recognized accounting firm  
28 that is independent of the local retirement system. All  
29 required documents necessary for extending Florida Retirement  
30 System coverage must be received by the department for  
31 consideration at least 15 days prior to the proposed effective

1 date of coverage. If the municipality, metropolitan planning  
2 organization, or special district does not comply with this  
3 requirement, the department may require that the effective  
4 date of coverage be changed.

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

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

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

31

1           5. Subject to the conditions set forth in subparagraph  
2 6., the governing body of any hospital licensed under chapter  
3 395 which is governed by the board of a special district as  
4 defined in s. 189.403(1) or by the board of trustees of a  
5 public health trust created under s. 154.07, hereinafter  
6 referred to as "hospital district," and which participates in  
7 the system, may elect to cease participation in the system  
8 with regard to future employees in accordance with the  
9 following procedure:

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

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

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

31

1           d. Upon meeting all applicable requirements of this  
2 subparagraph, and subject to the conditions set forth in  
3 subparagraph 6., partial withdrawal from the system and  
4 adoption of the alternative retirement plan may be  
5 accomplished by resolution duly adopted by the hospital  
6 district board. The hospital district board must provide  
7 written notice of such withdrawal to the division by mailing a  
8 copy of the resolution to the division, postmarked no later  
9 than December 15, 1995. The withdrawal shall take effect  
10 January 1, 1996.

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

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

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

30           (1)

31

1           (1) For each metropolitan planning organization that  
2 has opted to become part of the Florida Retirement System,  
3 participation in the Senior Management Service Class shall be  
4 compulsory for the executive director or staff director of  
5 that metropolitan planning organization or similar entity  
6 created pursuant to s. 339.175.

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

9           121.061 Funding.--

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

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

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

1           121.081 Past service; prior service;  
2 contributions.--Conditions under which past service or prior  
3 service may be claimed and credited are:  
4           (1)(a) Past service, as defined in s. 121.021(18), may  
5 be claimed as creditable service by officers or employees of a  
6 city, metropolitan planning organization, or special district  
7 that become a covered group under this system. The governing  
8 body of a covered group in compliance with s. 121.051(2)(b)  
9 may elect to provide benefits with respect to past service  
10 earned prior to January 1, 1975, in accordance with this  
11 chapter, and the cost for such past service shall be  
12 established by applying the following formula: The member  
13 contribution for both regular and special risk members shall  
14 be 4 percent of the gross annual salary for each year of past  
15 service claimed, plus 4-percent employer matching  
16 contribution, plus 4 percent interest thereon compounded  
17 annually, figured on each year of past service, with interest  
18 compounded from date of annual salary earned until July 1,  
19 1975, and 6.5 percent interest compounded annually thereafter  
20 until date of payment. Once the total cost for a member has  
21 been figured to date, then after July 1, 1975, 6.5 percent  
22 compounded interest shall be added each June 30 thereafter on  
23 any unpaid balance until the cost of such past service  
24 liability is paid in full. The following formula shall be used  
25 in calculating past service earned prior to January 1, 1975:  
26 (Annual gross salary multiplied by 8 percent) multiplied by  
27 the 4 percent or 6.5 percent compound interest table factor,  
28 as may be applicable. The resulting product equals cost to  
29 date for each particular year of past service.  
30           (b) Past service earned after January 1, 1975, may be  
31 claimed by officers or employees of a city, metropolitan



1 planning organization, or special district that becomes a  
2 covered group under this system. The governing body of a  
3 covered group may elect to provide benefits with respect to  
4 past service earned after January 1, 1975, in accordance with  
5 this chapter, and the cost for such past service shall be  
6 established by applying the following formula: The employer  
7 shall contribute an amount equal to the contribution rate in  
8 effect at the time the service was earned, multiplied by the  
9 employee's gross salary for each year of past service claimed,  
10 plus 6.5 percent interest thereon, compounded annually,  
11 figured on each year of past service, with interest compounded  
12 from date of annual salary earned until date of payment.

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

30 Section 7. Subsection (1) of section 311.22, Florida  
31 Statutes, is amended to read:

1           311.22 Additional authorization for funding certain  
2 dredging projects.--

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

14           Section 8. Section 320.20, Florida Statutes, is  
15 amended to read:

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

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

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

1 the Department of Transportation's legislatively approved  
2 objectives.

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

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

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

23 (c) For seaport projects as described in s.  
24 311.07(3)(b), funds shall be provided on a 50-50 matching  
25 basis.

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

1 ~~federal funds, local funds, or private funds. on a 50-50~~  
2 ~~matching basis to any port listed in s. 311.09(1) to be used~~  
3 ~~for funding projects as described in s. 311.07(3)(b).~~

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

1 Transportation shall include the selected projects for funding  
2 in the tentative work program developed pursuant to s.  
3 339.135. The council and the Department of Transportation are  
4 authorized to perform such acts as are required to facilitate  
5 and implement the provisions of this subsection, including the  
6 funding of approved projects by the use of other state funding  
7 programs, local contributions from seaports, and the creative  
8 use of federal funds. To better enable the ports to cooperate  
9 to 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. This provision shall expire on  
6 June 30, 2037, but shall continue until all bonds are paid  
7 from the Florida Ports Financing Commission Series 1996 Bonds  
8 or any subsequent refunding bond issue that shall not extend  
9 the term of the Series 1996 Bonds, or new bonds issued that  
10 shall have a term no later than 2037.

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

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

25 (b) For seaport intermodal access projects as  
26 described in s. 341.053(5) that are identified in the 5-year  
27 Florida Seaport Mission Plan as provided in s. 311.09(3).  
28 Funding for such projects shall be on a matching basis as  
29 mutually determined by the Florida Seaport Transportation and  
30 Economic Development Council and the Department of  
31 Transportation, provided a minimum of 25 percent of total

1 project funds shall come from any port funds, local funds,  
2 private funds, or specifically earmarked federal funds.

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

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

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

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



1 seaports, and the creative use of federal funds. To better  
2 enable the ports to cooperate to their mutual advantage, the  
3 governing body of each port may exercise powers provided to  
4 municipalities or counties in s. 163.01(7)(d) subject to the  
5 provisions of chapter 311 and special acts, if any, pertaining  
6 to a port. The use of funds provided pursuant to this  
7 subsection is limited to eligible projects listed in this  
8 subsection. The provisions of s. 311.07(4) do not apply to any  
9 funds received pursuant to this subsection. The revenues  
10 available under this subsection shall not be pledged to the  
11 payment of any bonds other than the Florida Ports Financing  
12 Commission Series 1996 and Series 1999 Bonds currently  
13 outstanding; provided, however, such revenues may be pledged  
14 to secure payment of refunding bonds to refinance the Florida  
15 Ports Financing Commission Series 1996 and Series 1999 Bonds.  
16 ~~No refunding bonds secured by revenues available under this~~  
17 ~~subsection may be issued with a final maturity later than the~~  
18 ~~final maturity of the Florida Ports Financing Commission~~  
19 ~~Series 1996 and Series 1999 Bonds or which provide for higher~~  
20 ~~debt service in any year than is currently payable on such~~  
21 ~~bonds.~~ Any revenue bonds or other indebtedness issued after  
22 July 1, 2000, including other than refunding bonds, shall be  
23 issued by the Division of Bond Finance at the request of the  
24 Department of Transportation pursuant to the State Bond Act.  
25 This provision shall expire on June 30, 2037, but shall  
26 continue until all bonds are paid from the Florida Ports  
27 Financing Commission Series 1996 Bonds or any subsequent  
28 refunding bond issue that shall not extend the term of the  
29 Series 1996 Bonds, or new bonds issued that shall have a term  
30 no later than 2037.

31

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

11        (a) For any seaport intermodal access projects that  
12 are identified in the Tentative Work Program of the Department  
13 of Transportation for the 2006-2007 to 2010-2011 fiscal years,  
14 up to the amounts needed to offset the funding requirements of  
15 this section.

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

23        (c) For seaport projects as described in s.  
24 311.07(3)(b), funds shall be provided on a 50-50 matching  
25 basis.

26        (d) For seaport intermodal access projects that  
27 involve the dredging or deepening of channels, turning basins,  
28 or harbors, or the construction or rehabilitation of wharves,  
29 docks, or similar structures, funding shall require at least a  
30 25-percent match of the funds received pursuant to this  
31

1 subsection. Matching funds shall come from any port funds,  
2 federal funds, local funds, or private funds.  
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 the Division of Bond Finance at the request of the  
8 Department of Transportation pursuant to the State Bond Act.  
9 However, such debt does not constitute a general obligation of  
10 the state. This state covenants with holders of such revenue  
11 bonds or other instruments of indebtedness issued under this  
12 subsection that it will not repeal or impair or amend this  
13 subsection in any manner that will materially and adversely  
14 affect the rights of holders so long as bonds authorized by  
15 this subsection are outstanding. Any revenues that are not  
16 pledged to the repayment of bonds as authorized by this  
17 subsection may be used for purposes authorized under the  
18 Florida Seaport Transportation and Economic Development  
19 Program. This revenue source is in addition to any amounts  
20 provided for and appropriated in accordance with s. 311.07 and  
21 subsections (3) and (4). The Florida Seaport Transportation  
22 and Economic Development Council shall submit to the  
23 Department of Transportation a list of strategic  
24 transportation, economic development, and freight mobility  
25 projects that contribute to the economic growth of the state  
26 and that have been approved pursuant to s. 311.09(5)-(9), or  
27 that have been approved for seaport intermodal access projects  
28 identified in the 5-year Florida Seaport Mission Plan as  
29 provided in s. 311.09(3). The council and the Department of  
30 Transportation shall mutually agree upon the prioritization  
31 and selection of projects for funding. The Department of

1 Transportation shall include the selected projects for funding  
2 in the tentative work program developed pursuant to s.  
3 339.135. The council and the Department of Transportation may  
4 perform such acts as are required to facilitate and implement  
5 the 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 the port. The use of funds  
13 provided under this subsection is limited to eligible projects  
14 listed in this subsection. Section 311.07(4) does not apply to  
15 any funds received pursuant to this subsection.

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

19 (b) The Chief Financial Officer each month shall  
20 deposit in the State Transportation Trust Fund an amount,  
21 drawn from other funds in the State Treasury which are not  
22 immediately needed or are otherwise in excess of the amount  
23 necessary to meet the requirements of the State Treasury,  
24 which when added to such remaining revenues each month will  
25 equal one-twelfth of the amount of the anticipated annual  
26 revenues to be deposited in the State Transportation Trust  
27 Fund under paragraph (a) as determined by the Chief Financial  
28 Officer after consultation with the revenue estimating  
29 conference held pursuant to s. 216.136(3). The transfers  
30 required hereunder may be suspended by action of the  
31

1 Legislative Budget Commission in the event of a significant  
2 shortfall of state revenues.

3 (c) In any month in which the remaining revenues  
4 derived from the registration of motor vehicles exceed  
5 one-twelfth of those anticipated annual remaining revenues as  
6 determined by the Chief Financial Officer after consultation  
7 with the revenue estimating conference, the excess shall be  
8 credited to those state funds in the State Treasury from which  
9 the amount was originally drawn, up to the amount which was  
10 deposited in the State Transportation Trust Fund under  
11 paragraph (b). A final adjustment must be made in the last  
12 months of a fiscal year so that the total revenue deposited in  
13 the State Transportation Trust Fund each year equals the  
14 amount derived from the registration of motor vehicles, less  
15 the amount distributed under subsection (1). For the purposes  
16 of this paragraph and paragraph (b), the term "remaining  
17 revenues" means all revenues deposited into the State  
18 Transportation Trust Fund under paragraph (a) and subsections  
19 (2) and (3). In order that interest earnings continue to  
20 accrue to the General Revenue Fund, the Department of  
21 Transportation may not invest an amount equal to the  
22 cumulative amount of funds deposited in the State  
23 Transportation Trust Fund under paragraph (b) less funds  
24 credited under this paragraph as computed on a monthly basis.  
25 The amounts to be credited under this and the preceding  
26 paragraph must be calculated and certified to the Chief  
27 Financial Officer by the Executive Office of the Governor.

28 Section 9. Section 336.68, Florida Statutes, is  
29 created to read:

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

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

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

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

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

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

17 Section 10. Paragraph (c) of subsection (5) of section  
18 339.155, Florida Statutes, is amended to read:

19 339.155 Transportation planning.--

20 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

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

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

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

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

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

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

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

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

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

31



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

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

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

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

13       (XI) A member of the Florida Senate or House of  
14 Representatives in his or her capacity as the chair of the  
15 local legislative delegation.

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

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

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

31

1           3. A regional transportation planning organization is  
2 created to be known as the Bay Area Regional Transportation  
3 Planning Organization. The purpose of the organization is to  
4 develop a regional transportation plan and to advise the  
5 department regarding the programming of regional  
6 transportation projects within Citrus, Hernando, Hillsborough,  
7 Manatee, Pasco, Pinellas, and Sarasota Counties.

8           a. The voting membership of the organization consists  
9 of the following members:

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

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

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

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

24           (V) A representative of the Tampa Bay Commuter Transit  
25 Authority.

26           (VI) A representative of the Tampa-Hillsborough County  
27 Expressway Authority.

28           (VII) A representative of the Tampa Bay Regional  
29 Planning Council.

30           (VIII) A representative of the airports, collectively  
31 representing the interests of Tampa International Airport, St.

1 Petersburg/Clearwater International Airport, and  
2 Sarasota/Bradenton International Airport.

3 (IX) A representative collectively representing the  
4 rail interests in the region.

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

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

12 (XII) A member of the Florida Senate or House of  
13 Representatives in his or her capacity as the chair of the Bay  
14 Area legislative delegation.

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

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

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

30 Section 11. The sum of \$100,000 is appropriated from  
31 the State Transportation Trust Fund to the Department of

1 Transportation for the purpose of funding the Bay Area  
 2 Regional Transportation Planning Organization for the purpose  
 3 of transportation planning for the 2006-2007 fiscal year.

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

6 339.2819 Transportation Regional Incentive Program.--

7 (2)(a) For improvements to regionally significant  
 8 facilities identified in a regional transportation plan  
 9 developed under s. 339.155(5)(c)1., the percentage of matching  
 10 funds provided from the Transportation Regional Incentive  
 11 Program shall be 50 percent of project costs, ~~or up to 75~~  
 12 ~~percent of the nonfederal share of the eligible project cost~~  
 13 ~~for the public transportation facility project.~~

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

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

24 339.175 Metropolitan planning organization.--It is the  
 25 intent of the Legislature to encourage and promote the safe  
 26 and efficient management, operation, and development of  
 27 surface transportation systems that will serve the mobility  
 28 needs of people and freight within and through urbanized areas  
 29 of this state while minimizing transportation-related fuel  
 30 consumption and air pollution. To accomplish these objectives,  
 31 metropolitan planning organizations, referred to in this

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

24 (1) DESIGNATION.--

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

1 government that represents the central city or cities within  
2 the M.P.O. jurisdiction, as defined by the United States  
3 Bureau of the Census, must be a party to ~~the such~~ agreement.

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

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

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

30 (d) In the case of an urbanized area designated as a  
31 nonattainment area for ozone or carbon monoxide under the

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

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

20  
21 Each M.P.O. required under this section must be fully  
22 operative no later than 6 months following its designation.

23 (2) VOTING MEMBERSHIP.--

24 (a) The voting membership of an M.P.O. shall consist  
25 of not fewer than 5 or more than 19 apportioned members, the  
26 exact number to be determined on an equitable  
27 geographic-population ratio basis by the Governor, based on an  
28 agreement among the affected units of general-purpose local  
29 government as required by federal rules and regulations. The  
30 Governor, in accordance with 23 U.S.C. s. 134, may also  
31 provide for M.P.O. members who represent municipalities to

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

25 (b) In metropolitan areas in which authorities or  
26 other agencies have been or may be created by law to perform  
27 transportation functions and are performing transportation  
28 functions that are not under the jurisdiction of a  
29 general-purpose ~~general purpose~~ local government represented  
30 on the M.P.O., they shall be provided voting membership on the  
31 M.P.O. In all other M.P.O.'s where transportation authorities



1 or agencies are to be represented by elected officials from  
2 ~~general-purpose~~ ~~general-purpose~~ local governments, the M.P.O.  
3 shall establish a process by which the collective interests of  
4 such authorities or other agencies are expressed and conveyed.

5 (3) APPORTIONMENT.--

6 (a) The Governor shall, with the agreement of the  
7 affected units of general-purpose local government as required  
8 by federal rules and regulations, apportion the membership on  
9 the applicable M.P.O. among the various governmental entities  
10 within the area. At the request of a majority of the affected  
11 units of general-purpose local government comprising an  
12 M.P.O., the Governor and a majority of units of  
13 general-purpose local governments serving on an M.P.O. and  
14 shall cooperatively agree upon and prescribe who may serve as  
15 an alternate member and a method for appointing alternate  
16 members who may vote at any M.P.O. meeting that an alternate  
17 member attends in place of a regular member. The methodology  
18 shall be set forth as a part of the interlocal agreement  
19 describing the M.P.O.'s membership or in the M.P.O.'s  
20 operating procedures and bylaws. An appointed alternate member  
21 must be an elected official serving the same governmental  
22 entity or a general purpose local government with jurisdiction  
23 within all or part of the area that the regular member serves.  
24 The governmental entity so designated shall appoint the  
25 appropriate number of members to the M.P.O. from eligible  
26 officials. Representatives of the department shall serve as  
27 nonvoting members of the M.P.O. governing board. Nonvoting  
28 advisers may be appointed by the M.P.O. as deemed necessary;  
29 however, to the maximum extent feasible, each M.P.O. shall  
30 seek to appoint nonvoting representatives of various  
31 multimodal forms of transportation not otherwise represented

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

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

29 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
30 privileges, and authority of an M.P.O. are those specified in  
31 this section or incorporated in an interlocal agreement

1 authorized under s. 163.01. Each M.P.O. shall perform all acts  
2 required by federal or state laws or rules, now and  
3 subsequently applicable, which are necessary to qualify for  
4 federal aid. It is the intent of this section that each M.P.O.  
5 shall be involved in the planning and programming of  
6 transportation facilities, including, but not limited to,  
7 airports, intercity and high-speed rail lines, seaports, and  
8 intermodal facilities, to the extent permitted by state or  
9 federal law.

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

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

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

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

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

22 1. Support the economic vitality of the metropolitan  
23 area, especially by enabling global competitiveness,  
24 productivity, and efficiency;

25 2. Increase the safety and security of the  
26 transportation system for motorized and nonmotorized users;

27 3. Increase the accessibility and mobility options  
28 available to people and for freight;

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

31

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

4           6. Promote efficient system management and operation;  
5 and

6           7. Emphasize the preservation of the existing  
7 transportation system.

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

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

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

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

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

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

25           6. Perform all other duties required by state or  
26 federal law.

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

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

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

26 2. Notwithstanding the provisions of subparagraph 1.,  
27 an M.P.O. may, with the approval of the department and the  
28 applicable federal governmental agency, adopt an alternative  
29 program or mechanism to ensure citizen involvement in the  
30 transportation planning process.

31

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

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

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

27 ~~(i)(h)~~ A chair's coordinating committee is created,  
28 composed of the M.P.O.'s serving Hernando, Hillsborough,  
29 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
30 committee must, at a minimum:  
31

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

3           2. Review the impact of regionally significant land  
4 use decisions on the region.

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

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

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

27           2. Any M.P.O. may join with any other M.P.O. or any  
28 individual political subdivision to coordinate activities or  
29 to achieve any federal or state transportation planning or  
30 development goals or purposes consistent with federal or state  
31 law. When an M.P.O. determines that it is appropriate to join

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

28 (12) VOTING REQUIREMENTS.--Each long-range  
 29 transportation plan required pursuant to subsection (6), each  
 30 annually updated Transportation Improvement Program required  
 31 under subsection (7), and each amendment that affects projects



1 in the first 3 years of such plans and programs must be  
2 approved by each M.P.O. on a supermajority ~~recorded~~ roll call  
3 vote or hand-counted vote of a majority plus one of the  
4 membership present.

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

24 Section 15. Paragraph (h) of subsection (2) of section  
25 20.23, Florida Statutes, is amended to read:

26 20.23 Department of Transportation.--There is created  
27 a Department of Transportation which shall be a decentralized  
28 agency.

29 (2)

30 (h) The commission shall appoint an executive director  
31 and assistant executive director, who shall serve under the

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

14 Section 16. Paragraph (c) of subsection (6) of section  
15 332.007, Florida Statutes, is amended to read:

16 332.007 Administration and financing of aviation and  
17 airport programs and projects; state plan.--

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

24 (c) When federal funds are not available, the  
25 department may fund up to 80 percent of master planning and  
26 eligible aviation development projects at publicly owned,  
27 publicly operated airports. If federal funds are available but  
28 are insufficient to meet the maximum authorized federal share,  
29 the department may fund up to 80 percent of the nonfederal  
30 share of such projects. Such funding is limited to airports  
31 that have no scheduled commercial service.

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

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

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

23           Section 18. Paragraph (e) of subsection (2) of section  
24 212.055, Florida Statutes, is amended, and subsection (8) is  
25 added to that section, to read:

26           212.055 Discretionary sales surtaxes; legislative  
27 intent; authorization and use of proceeds.--It is the  
28 legislative intent that any authorization for imposition of a  
29 discretionary sales surtax shall be published in the Florida  
30 Statutes as a subsection of this section, irrespective of the  
31 duration of the levy. Each enactment shall specify the types

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

8 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

9 (e) School districts, counties, and municipalities  
10 receiving proceeds under the provisions of this subsection may  
11 pledge such proceeds for the purpose of servicing new bond  
12 indebtedness incurred pursuant to law. Local governments may  
13 use the services of the Division of Bond Finance of the State  
14 Board of Administration pursuant to the State Bond Act to  
15 issue any bonds through the provisions of this subsection. ~~In~~  
16 ~~no case may a jurisdiction issue bonds pursuant to this~~  
17 ~~subsection more frequently than once per year.~~ Counties and  
18 municipalities may join together for the issuance of bonds  
19 authorized by this subsection.

20 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

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

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

28 (c) If the proposal to adopt a discretionary sales  
29 surtax is to be adopted by a referendum as provided in this  
30 subsection, such proposal shall be placed on the ballot in  
31

1 accordance with law at a time to be set at the discretion of  
2 the governing body of the county.

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

24 Section 19. Paragraph (c) of subsection (1) of section  
 25 336.025, Florida Statutes, is amended to read:

26 336.025 County transportation system; levy of local  
 27 option fuel tax on motor fuel and diesel fuel.--

28 (1)

29 (c) Local governments may use the services of the  
 30 Division of Bond Finance of the State Board of Administration  
 31 pursuant to the State Bond Act to issue any bonds through the

1 provisions of this section and may pledge the revenues from  
 2 local option fuel taxes to secure the payment of the bonds. ~~In~~  
 3 ~~no case may a jurisdiction issue bonds pursuant to this~~  
 4 ~~section more frequently than once per year.~~ Counties and  
 5 municipalities may join together for the issuance of bonds  
 6 issued pursuant to this section.

7 Section 20. Paragraph (j) of subsection (1) of section  
 8 339.08, Florida Statutes, is amended to read:

9 339.08 Use of moneys in State Transportation Trust  
 10 Fund.--

11 (1) The department shall expend moneys in the State  
 12 Transportation Trust Fund accruing to the department, in  
 13 accordance with its annual budget. The use of such moneys  
 14 shall be restricted to the following purposes:

15 (j) To pay the cost of county or municipal road  
 16 projects selected in accordance with the County Incentive  
 17 Grant Program created in s. 339.2817, ~~and~~ the Small County  
 18 Outreach Program created in s. 339.2818, and the Enhanced  
 19 Bridge Program created in s. 339.282.

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

22 339.282 Enhanced Bridge Program for Sustainable  
 23 Transportation.--

24 (1) There is created within the Department of  
 25 Transportation the Enhanced Bridge Program for Sustainable  
 26 Transportation for the purpose of providing funds to improve  
 27 the sufficiency rating of local bridges and to improve  
 28 congested roads on the State Highway System or local corridors  
 29 on which high-cost bridges are located in order to improve a  
 30 corridor or provide an alternative corridor.



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

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

9           (a) Be classified as a structurally deficient bridge  
10 having a poor condition rating for the deck, superstructure,  
11 substructure component, or culvert;

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

13           (c) Have average daily traffic of at least 500  
14 vehicles.

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

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

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

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

28       (6) Preference shall be given to bridge projects  
29 located on corridors that connect to the Strategic Intermodal  
30 System, created under s. 339.64, and that have been identified  
31

1 as regionally significant in accordance with s.

2 339.155(5)(c),(d), and (e).

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

5 339.284 Transportation concurrency incentives.--The  
6 Legislature finds that allowing private-sector entities to  
7 finance, construct, and improve public transportation  
8 facilities can provide significant benefits to the citizens of  
9 this state by facilitating transportation of the general  
10 public without the need for additional public tax revenues. In  
11 order to encourage the more efficient and proactive provision  
12 of transportation improvements by the private sector, if a  
13 developer or property owner voluntarily contributes  
14 right-of-way and physically constructs or expands a state  
15 transportation facility or segment and such construction or  
16 expansion improves traffic flow, capacity, or safety, the  
17 voluntary contribution may be applied as a credit for that  
18 property owner or developer against any future transportation  
19 concurrency requirements pursuant to chapter 163, provided  
20 such contributions and credits are set forth in a legally  
21 binding agreement executed by the property owner or developer,  
22 the local government within whose jurisdiction the facility is  
23 located, and the department. If the developer or property  
24 owner voluntarily contributes right-of-way and physically  
25 constructs or expands a local government transportation  
26 facility or segment and such construction or expansion meets  
27 the requirements in this section and in a legally binding  
28 agreement between the property owner or developer and the  
29 applicable local government, the contribution to the local  
30 government collector and arterial system may be applied as a

31

1 credit against any future transportation concurrency  
2 requirements pursuant to chapter 163.

3 Section 23. Paragraph (b) of subsection (3) of section  
4 316.650, Florida Statutes, is amended to read:

5 316.650 Traffic citations.--

6 (3)

7 (b) If a traffic citation is issued pursuant to s.  
8 316.1001, a traffic enforcement officer may deposit the  
9 original and one copy of such traffic citation or, in the case  
10 of a traffic enforcement agency that has an automated citation  
11 system, may provide an electronic facsimile with a court  
12 having jurisdiction over the alleged offense or with its  
13 traffic violations bureau within 45 days after the date of  
14 issuance of the citation to the violator. If the person cited  
15 for the violation of s. 316.1001 makes the election provided  
16 by s. 318.14(12) and pays the fine imposed by the toll  
17 authority plus the amount of the unpaid toll which is shown on  
18 the traffic citation directly to the governmental entity that  
19 issued the citation in accordance with s. 318.14(12), the  
20 traffic citation will not be submitted to the court, the  
21 disposition will be reported to the department by the  
22 governmental entity that issued the citation, and no points  
23 will be assessed against the person's driver's license.

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

26 318.14 Noncriminal traffic infractions; exception;  
27 procedures.--

28 (12) Any person cited for a violation of s. 316.1001  
29 may, in lieu of making an election as set forth in subsection  
30 (4) or s. 318.18(7), elect to pay a his or her fine of \$25 or,  
31 such other amount as imposed by the toll authority, plus the

1 amount of the unpaid toll which is shown on the traffic  
 2 citation directly to the governmental entity that issued the  
 3 citation, within 30 days after the date of issuance of the  
 4 citation. Any person cited for a violation of s. 316.1001 who  
 5 does not elect to pay the fine imposed by the toll authority  
 6 plus the amount of the unpaid toll which is shown on the  
 7 traffic citation directly to the governmental entity that  
 8 issued the citation as described in this subsection ~~section~~  
 9 shall have an additional 45 days after the date of the  
 10 issuance of the citation in which to request a court hearing  
 11 or to pay the civil penalty and delinquent fee, if applicable,  
 12 as provided in s. 318.18(7), either by mail or in person, in  
 13 accordance with subsection (4).

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

16 318.18 Amount of civil penalties.--The penalties  
 17 required for a noncriminal disposition pursuant to s. 318.14  
 18 are as follows:

19 (7) A mandatory fine of \$100 ~~One hundred dollars~~ for  
 20 each a violation of s. 316.1001 plus the amount of the unpaid  
 21 toll shown on the traffic citation for each citation issued.  
 22 The clerk of the court shall forward \$25 of the \$100 fine  
 23 received plus the amount of the unpaid toll which is shown on  
 24 the citation to the governmental entity that issued the  
 25 citation. If adjudication is withheld or there is a plea  
 26 arrangement prior to a hearing, there shall be a minimum  
 27 mandatory fine assessed per citation of \$100 plus the amount  
 28 of the unpaid toll for each citation issued. The clerk of the  
 29 court shall forward \$25 of the \$100 plus the amount of the  
 30 unpaid toll as shown on the citation to the governmental  
 31 entity that issued the citation. The court shall have specific

1 authority to consolidate issued citations for the same  
2 defendant for the purpose of sentencing and aggregate  
3 jurisdiction. In addition, the department shall suspend for 60  
4 days the driver's license of a person who is convicted of 10  
5 violations of s. 316.1001 within a 36-month period. However, a  
6 person may elect to pay \$30 to the clerk of the court, in  
7 which case adjudication is withheld, and no points are  
8 assessed under s. 322.27. Upon receipt of the fine, the clerk  
9 of the court must retain \$5 for administrative purposes and  
10 must forward the \$25 to the governmental entity that issued  
11 the citation. Any funds received by a governmental entity for  
12 this violation may be used for any lawful purpose related to  
13 the operation or maintenance of a toll facility.

14 Section 26. Subsection (6) is added to section  
15 348.754, Florida Statutes, to read:

16 348.754 Purposes and powers.--

17 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange  
18 County Expressway Authority may waive payment and performance  
19 bonds on construction contracts for the construction of a  
20 public building, for the prosecution and completion of a  
21 public work, or for repairs on a public building or public  
22 work that has a cost of \$500,000 or less and when the project  
23 is awarded pursuant to an economic development program for the  
24 encouragement of local small businesses which has been adopted  
25 by the governing body of the Orlando-Orange County Expressway  
26 Authority pursuant to a resolution or policy.

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

30 1. Be an independent business.  
31

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

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

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

7           5. Be accepted as a participant in the Orlando-Orange  
8 County Expressway Authority's microcontracts program or such  
9 other small business program as may be hereinafter enacted by  
10 the Orlando-Orange County Expressway Authority.

11           6. Participate in an educational curriculum or  
12 technical assistance program for business development which  
13 will assist the small business in becoming eligible for  
14 bonding.

15           (c) The authority's adopted procedures for waiving  
16 payment and performance bonds on projects having values not  
17 less than \$200,000 and not exceeding \$500,000 shall provide  
18 that payment and performance bonds may be waived only on  
19 projects that have been set aside to be competitively bid on  
20 by participants in an economic development program for local  
21 small businesses. The authority's executive director or his or  
22 her designee shall determine whether specific construction  
23 projects are suitable for:

24           1. Bidding under the authority's microcontracts  
25 program by registered local small businesses; and

26           2. Waiver of the payment and performance bond.

27  
28 The decision of the authority's executive director or deputy  
29 executive director to waive the payment and performance bond  
30 shall be based upon his or her investigation and conclusion  
31 that there exists sufficient competition so that the authority

1 receives a fair price and does not undertake any unusual risk  
2 with respect to such project.

3 (d) For any contract for which a payment and  
4 performance bond has been waived pursuant to the authority set  
5 forth in this section, the Orlando-Orange County Expressway  
6 Authority shall pay all persons defined in s. 713.01 who  
7 furnish labor, services, or materials for the prosecution of  
8 the work provided for in the contract to the same extent and  
9 upon the same conditions that a surety on the payment bond  
10 under s. 255.05 would have been obligated to pay such persons  
11 if the payment and performance bond had not been waived. The  
12 authority shall record notice of this obligation in the manner  
13 in which and at the location where surety bonds are recorded.  
14 The notice must include the information describing the  
15 contract that s. 255.05(1) requires be stated on the front  
16 page of the bond. Notwithstanding that s. 255.05(9) generally  
17 applies when a performance and payment bond is required, s.  
18 255.05(9) shall apply under this subsection to any contract  
19 for which performance or payment bonds are waived, and any  
20 claim to payment under this subsection shall be treated as a  
21 contract claim pursuant to s. 255.05(9).

22 (e) A small business that has been the successful  
23 bidder on six projects for which the payment and performance  
24 bond was waived by the authority pursuant to paragraph (a)  
25 shall be ineligible to bid on additional projects for which  
26 the payment and performance bond is to be waived. The local  
27 small business may continue to participate in other elements  
28 of the economic development program for local small businesses  
29 as long as it is eligible to do so.

30 (f) The authority shall conduct bond-eligibility  
31 training for businesses qualifying for bond waiver under this

1 subsection to encourage and promote bond eligibility for such  
2 businesses.

3 (g) The authority shall prepare a biennial report on  
4 the activities undertaken pursuant to this subsection to be  
5 submitted to the Orange County legislative delegation. The  
6 initial report shall be due December 31, 2008.

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

9 348.0004 Purposes and powers.--

10 (9) The Legislature declares that there is a public  
11 need for rapid construction of safe and efficient  
12 transportation facilities for travel within the state and that  
13 it is in the public's interest to provide for public-private  
14 partnership agreements to effectuate the construction of  
15 additional safe, convenient, and economical transportation  
16 facilities.

17 (a) Notwithstanding any other provision of the Florida  
18 Expressway Authority Act, any expressway authority,  
19 transportation authority, bridge authority, or toll authority  
20 established under this part or any other statute may receive  
21 or solicit proposals and enter into agreements with private  
22 entities, or consortia thereof, for the building, operation,  
23 ownership, or financing of ~~expressway~~ authority transportation  
24 facilities or new transportation facilities within the  
25 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~  
26 authority is authorized to adopt rules to implement this  
27 subsection and shall, by rule, establish an application fee  
28 for the submission of unsolicited proposals under this  
29 subsection. The fee must be sufficient to pay the costs of  
30 evaluating the proposals. An ~~expressway~~ authority may engage  
31 private consultants to assist in the evaluation. Before



1 approval, an ~~expressway~~ authority must determine that a  
2 proposed project:

3 1. Is in the public's best interest.  
4 2. Would not require state funds to be used unless the  
5 project is on or provides increased mobility on the State  
6 Highway System.

7 3. Would have adequate safeguards to ensure that no  
8 additional costs or service disruptions would be realized by  
9 the traveling public and residents ~~citizens~~ of the state in  
10 the event of default or the cancellation of the agreement by  
11 the ~~expressway~~ authority.

12 (b) An ~~expressway~~ authority shall ensure that all  
13 reasonable costs to the state which are, related to  
14 transportation facilities that are not part of the State  
15 Highway System, are borne by the private entity. An ~~expressway~~  
16 authority shall also ensure that all reasonable costs to the  
17 state and substantially affected local governments and  
18 utilities related to the private transportation facility are  
19 borne by the private entity for transportation facilities that  
20 are owned by private entities. For projects on the State  
21 Highway System, the department may use state resources to  
22 participate in funding and financing the project as provided  
23 for under the department's enabling legislation.

24 (c) The ~~expressway~~ authority may request proposals for  
25 public-private transportation projects or, if it receives an  
26 unsolicited proposal, it must publish a notice in the Florida  
27 Administrative Weekly and a newspaper of general circulation  
28 in the county in which it is located at least once a week for  
29 2 weeks, stating that it has received the proposal and will  
30 accept, for 60 days after the initial date of publication,  
31 other proposals for the same project purpose. A copy of the

1 notice must be mailed to each local government in the affected  
2 areas. After the public notification period has expired, the  
3 ~~expressway~~ authority shall rank the proposals in order of  
4 preference. In ranking the proposals, the ~~expressway~~ authority  
5 shall consider professional qualifications, general business  
6 terms, innovative engineering or cost-reduction terms, finance  
7 plans, and the need for state funds to deliver the proposal.  
8 If the ~~expressway~~ authority is not satisfied with the results  
9 of the negotiations, it may, at its sole discretion, terminate  
10 negotiations with the proposer. If these negotiations are  
11 unsuccessful, the ~~expressway~~ authority may go to the second  
12 and lower-ranked firms, in order, using the same procedure. If  
13 only one proposal is received, the ~~expressway~~ authority may  
14 negotiate in good faith, and if it is not satisfied with the  
15 results, it may, at its sole discretion, terminate  
16 negotiations with the proposer. Notwithstanding this  
17 paragraph, the ~~expressway~~ authority may, at its discretion,  
18 reject all proposals at any point in the process up to  
19 completion of a contract with the proposer.

20 (d) The department may lend funds from the Toll  
21 Facilities Revolving Trust Fund, as outlined in s. 338.251, to  
22 public-private partnerships. To be eligible a private entity  
23 must comply with s. 338.251 and must provide an indication  
24 from a nationally recognized rating agency that the senior  
25 bonds for the project will be investment grade or must provide  
26 credit support, such as a letter of credit or other means  
27 acceptable to the department, to ensure that the loans will be  
28 fully repaid.

29 (e) Agreements entered into pursuant to this  
30 subsection may authorize the public-private entity to impose  
31 tolls or fares for the use of the facility. However, the

1 amount and use of toll or fare revenues shall be regulated by  
2 the ~~expressway~~ authority to avoid unreasonable costs to users  
3 of the facility.

4 (f) Each public-private transportation facility  
5 constructed pursuant to this subsection shall comply with all  
6 requirements of federal, state, and local laws; state,  
7 regional, and local comprehensive plans; the ~~expressway~~  
8 authority's rules, policies, procedures, and standards for  
9 transportation facilities; and any other conditions that the  
10 ~~expressway~~ authority determines to be in the public's best  
11 interest.

12 (g) An ~~expressway~~ authority may exercise any power  
13 possessed by it, including eminent domain, to facilitate the  
14 development and construction of transportation projects  
15 pursuant to this subsection. An ~~expressway~~ authority may pay  
16 all or part of the cost of operating and maintaining the  
17 facility or may provide services to the private entity for  
18 which it receives full or partial reimbursement for services  
19 rendered.

20 (h) Except as herein provided, this subsection is not  
21 intended to amend existing laws by granting additional powers  
22 to or further restricting the governmental entities from  
23 regulating and entering into cooperative arrangements with the  
24 private sector for the planning, construction, and operation  
25 of transportation facilities. Use of the powers granted in  
26 this subsection may not subject a statutorily created  
27 expressway authority, transportation authority, bridge  
28 authority, or toll authority, other than one statutorily  
29 created under this part, to any of the requirements of this  
30 part other than those contained in this subsection.

31

1           Section 28. Section 348.0012, Florida Statutes, is  
2 amended to read:

3           348.0012 Exemptions from applicability.--The Florida  
4 Expressway Authority Act does not apply:

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

8           (2) To a transportation authority created pursuant to  
9 chapter 349.

10          Section 29. The Legislative Committee on  
11 Intergovernmental Relations shall study methods to incentivize  
12 and reward local governments that demonstrate maximum local  
13 effort in funding local transportation needs to the benefit of  
14 the state transportation system through the use of  
15 local-option revenue sources. The Department of Revenue, the  
16 Department of Transportation, and other state agencies shall  
17 provide data and support as requested by the committee for the  
18 purpose of the study. All local governments are encouraged to  
19 assist and cooperate with the committee as necessary. The  
20 committee shall submit a report summarizing its research  
21 findings and proposed policy options to the Governor, the  
22 President of the Senate, and the Speaker of the House of  
23 Representatives by December 1, 2006.

24          Section 30. Subsection (13) is added to section  
25 338.251, Florida Statutes, to read:

26          (13) Notwithstanding subsection (1), and any other  
27 provision of law, the department is authorized to make loans  
28 for administrative expenses to multi-county  
29 transportation/expressway authorities created under chapter  
30 343 or chapter 348 where jurisdiction for the authority  
31 includes a portion of the State Highway System. The proposed

1 administrative expense budget shall be submitted to the  
2 secretary for consideration to ensure the proposed expenses  
3 are in accordance with law and are being conducted in good  
4 faith in the furtherance of the duties and responsibilities of  
5 the authority. The authority shall outline the repayment  
6 source of funds on the loan in the application to the  
7 secretary.

8           Section 31. This act shall take effect July 1, 2006.  
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