

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 designating Brickell Avenue in Miami-Dade

5 County; directing the City of Miami to change

6 street signs and markers, mailing addresses,

7 and emergency telephone number listings and to

8 erect appropriate markers; providing an

9 effective date.

10

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

12

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

14 Statutes, is amended to read:

15 112.061 Per diem and travel expenses of public

16 officers, employees, and authorized persons.--

17 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,

18 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

19 (a) Rates that exceed the maximum travel reimbursement

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

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

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

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

24 an ordinance or resolution;

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

26 1(d), Art. VIII of the State Constitution, by the

27 establishment of written policy;

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

29 the adoption of rules; ~~or~~

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

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

1 are subject to s. 166.021(10), by the enactment of a
2 resolution; or

3 5. Any metropolitan planning organization created
4 pursuant to s. 339.175, or any separate legal or
5 administrative entity created pursuant to s. 339.175 of which
6 a metropolitan planning organization is a member, by enactment
7 of a resolution.

8 (b) Rates established pursuant to paragraph (a) must
9 apply uniformly to all travel by the county, county
10 constitutional officer and entity governed by that officer,
11 district school board, ~~or~~ special district, or metropolitan
12 planning organization.

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

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

21 121.021 Definitions.--The following words and phrases
22 as used in this chapter have the respective meanings set forth
23 unless a different meaning is plainly required by the context:

24 (42)(a) "Local agency employer" means the board of
25 county commissioners or other legislative governing body of a
26 county, however styled, including that of a consolidated or
27 metropolitan government; a clerk of the circuit court,
28 sheriff, property appraiser, tax collector, or supervisor of
29 elections, provided such officer is elected or has been
30 appointed to fill a vacancy in an elective office; a community
31 college board of trustees or district school board; or the

1 governing body of any city, metropolitan planning organization
2 created pursuant to s. 339.175, or any separate legal or
3 administrative entity created pursuant to s. 339.175, or
4 special district of the state which participates in the system
5 for the benefit of certain of its employees.

6 (52) "Regularly established position" is defined as
7 follows:

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

13 Section 3. Paragraph (b) of subsection (2) of section
14 121.051, Florida Statutes, is amended to read:

15 121.051 Participation in the system.--

16 (2) OPTIONAL PARTICIPATION.--

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

1 statement must be certified by a recognized accounting firm
2 that is independent of the local retirement system. All
3 required documents necessary for extending Florida Retirement
4 System coverage must be received by the department for
5 consideration at least 15 days prior to the proposed effective
6 date of coverage. If the municipality, metropolitan planning
7 organization, or special district does not comply with this
8 requirement, the department may require that the effective
9 date of coverage be changed.

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

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

31

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

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

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

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

28 c. The governing body of any hospital district seeking
29 to partially withdraw from the system must, before such
30 hearing, have an actuarial report prepared and certified by an
31 enrolled actuary, as defined in s. 112.625(3), illustrating

1 the cost to the hospital district of providing, through the
2 retirement plan that the hospital district is to adopt,
3 benefits for new employees comparable to those provided under
4 the Florida Retirement System.

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

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

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

29 121.055 Senior Management Service Class.--There is
30 hereby established a separate class of membership within the
31 Florida Retirement System to be known as the "Senior

1 Management Service Class," which shall become effective
2 February 1, 1987.

3 (1)

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

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

12 121.061 Funding.--

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

24 (c) The governing body of each county, city,
25 metropolitan planning organization, special district, or
26 consolidated form of government participating under this
27 chapter or the administrator, acting individually or jointly,
28 is hereby authorized to file and maintain an action in the
29 courts of the state to require any employer to remit any
30 retirement or social security member contributions or employer
31

1 matching payments due the retirement or social security trust
2 funds under the provisions of this chapter.

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

5 121.081 Past service; prior service;
6 contributions.--Conditions under which past service or prior
7 service may be claimed and credited are:

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

1 as may be applicable. The resulting product equals cost to
2 date for each particular year of past service.

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

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

1 past-service credit, discounted by the applicable actuarial
2 factors to date of retirement.

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

5 311.22 Additional authorization for funding certain
6 dredging projects.--

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

18 Section 8. Section 320.20, Florida Statutes, is
19 amended to read:

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

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

31

1 (2) Twenty-five million dollars per year of such
2 revenues must be deposited in the State Transportation Trust
3 Fund, with priority use assigned to completion of the
4 interstate highway system. However, any excess funds may be
5 utilized for general transportation purposes, consistent with
6 the Department of Transportation's legislatively approved
7 objectives.

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

16 (a) For any seaport intermodal access projects that
17 are identified in the tentative work program of the Department
18 of Transportation for the 2006-2007 to 2010-2011 fiscal years,
19 up to the amounts needed to offset the funding requirements of
20 this section.

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

28 (c) For seaport projects as described in s.
29 311.07(3)(b), funds shall be provided on a 50-50 matching
30 basis.

31

1 (d) For seaport intermodal access projects that
2 involve the dredging or deepening of channels, turning basins,
3 or harbors, or the construction or rehabilitation of wharves,
4 docks, or similar structures, funding shall require at least a
5 25-percent match of the funds received pursuant to this
6 subsection. Matching funds shall come from any port funds,
7 federal funds, local funds, or private funds. ~~on a 50-50~~
8 ~~matching basis to any port listed in s. 311.09(1) to be used~~
9 ~~for funding projects as described in s. 311.07(3)(b).~~

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

1 transportation, economic development, and freight mobility
2 projects that contribute to the economic growth of the state
3 and that ~~approve distribution of funds to ports for projects~~
4 ~~which~~ have been approved pursuant to s. 311.09(5)-(9). The
5 Department of Transportation shall approve the prioritization
6 and selection of projects for funding. The Department of
7 Transportation shall include the selected projects for funding
8 in the tentative work program developed pursuant to s.
9 339.135. The council and the Department of Transportation are
10 authorized to perform such acts as are required to facilitate
11 and implement the provisions of this subsection, including the
12 funding of approved projects by the use of other state funding
13 programs, local contributions from seaports, and the creative
14 use of federal funds. To better enable the ports to cooperate
15 to their mutual advantage, the governing body of each port may
16 exercise powers provided to municipalities or counties in s.
17 163.01(7)(d) subject to the provisions of chapter 311 and
18 special acts, if any, pertaining to a port. The use of funds
19 provided pursuant to this subsection are limited to eligible
20 projects listed in this subsection. Income derived from a
21 project completed with the use of program funds, beyond
22 operating costs and debt service, shall be restricted to
23 further port capital improvements consistent with maritime
24 purposes and for no other purpose. Use of such income for
25 nonmaritime purposes is prohibited. The provisions of s.
26 311.07(4) do not apply to any funds received pursuant to this
27 subsection. ~~The revenues available under this subsection shall~~
28 ~~not be pledged to the payment of any bonds other than the~~
29 ~~Florida Ports Financing Commission Series 1996 and Series 1999~~
30 ~~Bonds currently outstanding; provided, however, such revenues~~
31 ~~may be pledged to secure payment of refunding bonds to~~

1 ~~refinance the Florida Ports Financing Commission Series 1996~~
2 ~~and Series 1999 Bonds. No refunding bonds secured by revenues~~
3 ~~available under this subsection may be issued with a final~~
4 ~~maturity later than the final maturity of the Florida Ports~~
5 ~~Financing Commission Series 1996 and Series 1999 Bonds or~~
6 ~~which provide for higher debt service in any year than is~~
7 ~~currently payable on such bonds. Any revenue bonds or other~~
8 ~~indebtedness issued after July 1, 2000, including other than~~
9 ~~refunding bonds,~~ shall be issued by the Division of Bond
10 Finance at the request of the Department of Transportation
11 pursuant to the State Bond Act. This provision shall expire on
12 June 30, 2037, but shall continue until all bonds are paid
13 from the Florida Ports Financing Commission Series 1996 Bonds
14 or any subsequent refunding bond issue that shall not extend
15 the term of the Series 1996 Bonds, or new bonds issued that
16 shall have a term no later than 2037.

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

27 (a) For any seaport intermodal access projects that
28 are identified in the 1997-1998 Tentative Work Program of the
29 Department of Transportation, up to the amounts needed to
30 offset the funding requirements of this section.
31

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

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

12 (d) For seaport intermodal access projects that
13 involve the dredging or deepening of channels, turning basins,
14 or harbors, ~~+~~ or the construction or rehabilitation of wharves,
15 docks, or similar structures. Funding for such projects shall
16 require a 25-percent match of the funds received pursuant to
17 this subsection. Matching funds shall come from any port
18 funds, federal funds, local funds, or private funds.

19
20 Such revenues may be assigned, pledged, or set aside as a
21 trust for the payment of principal or interest on bonds, tax
22 anticipation certificates, or any other form of indebtedness
23 issued by an individual port or appropriate local government
24 having jurisdiction thereof, or collectively by interlocal
25 agreement among any of the ports, or used to purchase credit
26 support to permit such borrowings. However, such debt shall
27 not constitute a general obligation of the state. This state
28 does hereby covenant with holders of such revenue bonds or
29 other instruments of indebtedness issued hereunder that it
30 will not repeal or impair or amend this subsection in any
31 manner which will materially and adversely affect the rights

1 of holders so long as bonds authorized by this subsection are
2 outstanding. Any revenues that are not pledged to the
3 repayment of bonds as authorized by this section may be
4 utilized for purposes authorized under the Florida Seaport
5 Transportation and Economic Development Program. This revenue
6 source is in addition to any amounts provided for and
7 appropriated in accordance with s. 311.07 and subsection (3).
8 The Florida Seaport Transportation and Economic Development
9 Council shall submit to the Department of Transportation a
10 list of strategic transportation, economic development, and
11 freight mobility projects that contribute to the economic
12 growth of the state and that ~~approve distribution of funds to~~
13 ~~ports for projects that~~ have been approved pursuant to s.
14 311.09(5)-(9), or that have been approved for seaport
15 intermodal access projects identified in the 5-year Florida
16 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~
17 ~~agreed upon by the FSTED Council and the Department of~~
18 Transportation. The Department of Transportation shall approve
19 the prioritization and selection of projects for funding. The
20 Department of Transportation shall include the selected
21 projects for funding in the tentative work program developed
22 pursuant to s. 339.135. All contracts for actual construction
23 of projects authorized by this subsection must include a
24 provision encouraging employment of participants in the
25 welfare transition program. The goal for employment of
26 participants in the welfare transition program is 25 percent
27 of all new employees employed specifically for the project,
28 unless the Department of Transportation and the Florida
29 Seaport Transportation and Economic Development Council
30 demonstrate that such a requirement would severely hamper the
31 successful completion of the project. In such an instance,

1 Workforce Florida, Inc., shall establish an appropriate
2 percentage of employees that must be participants in the
3 welfare transition program. The council and the Department of
4 Transportation are authorized to perform such acts as are
5 required to facilitate and implement the provisions of this
6 subsection, including the funding of approved projects by the
7 use of other state funding programs, local contributions from
8 seaports, and the creative use of federal funds. To better
9 enable the ports to cooperate to their mutual advantage, the
10 governing body of each port may exercise powers provided to
11 municipalities or counties in s. 163.01(7)(d) subject to the
12 provisions of chapter 311 and special acts, if any, pertaining
13 to a port. The use of funds provided pursuant to this
14 subsection is limited to eligible projects listed in this
15 subsection. The provisions of s. 311.07(4) do not apply to any
16 funds received pursuant to this subsection. ~~The revenues~~
17 ~~available under this subsection shall not be pledged to the~~
18 ~~payment of any bonds other than the Florida Ports Financing~~
19 ~~Commission Series 1996 and Series 1999 Bonds currently~~
20 ~~outstanding; provided, however, such revenues may be pledged~~
21 ~~to secure payment of refunding bonds to refinance the Florida~~
22 ~~Ports Financing Commission Series 1996 and Series 1999 Bonds.~~
23 ~~No refunding bonds secured by revenues available under this~~
24 ~~subsection may be issued with a final maturity later than the~~
25 ~~final maturity of the Florida Ports Financing Commission~~
26 ~~Series 1996 and Series 1999 Bonds or which provide for higher~~
27 ~~debt service in any year than is currently payable on such~~
28 ~~bonds.~~ Any revenue bonds or other indebtedness issued after
29 July 1, 2000, including other than refunding bonds, shall be
30 issued by the Division of Bond Finance at the request of the
31 Department of Transportation pursuant to the State Bond Act.

1 This provision shall expire on June 30, 2037, but shall
2 continue until all bonds are paid from the Florida Ports
3 Financing Commission Series 1996 Bonds or any subsequent
4 refunding bond issue that shall not extend the term of the
5 Series 1996 Bonds, or new bonds issued that shall have a term
6 no later than 2037.

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

17 (a) For any seaport intermodal access projects that
18 are identified in the Tentative Work Program of the Department
19 of Transportation for the 2006-2007 to 2010-2011 fiscal years,
20 up to the amounts needed to offset the funding requirements of
21 this section.

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

29 (c) For seaport projects as described in s.
30 311.07(3)(b), funds shall be provided on a 50-50 matching
31 basis.

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

8
9 Such revenues may be assigned, pledged, or set aside as a
10 trust for the payment of principal or interest on bonds, tax
11 anticipation certificates, or any other form of indebtedness
12 issued by the Division of Bond Finance at the request of the
13 Department of Transportation pursuant to the State Bond Act.
14 However, such debt does not constitute a general obligation of
15 the state. This state covenants with holders of such revenue
16 bonds or other instruments of indebtedness issued under this
17 subsection that it will not repeal or impair or amend this
18 subsection in any manner that will materially and adversely
19 affect the rights of holders so long as bonds authorized by
20 this subsection are outstanding. Any revenues that are not
21 pledged to the repayment of bonds as authorized by this
22 subsection may be used for purposes authorized under the
23 Florida Seaport Transportation and Economic Development
24 Program. This revenue source is in addition to any amounts
25 provided for and appropriated in accordance with s. 311.07 and
26 subsections (3) and (4). The Florida Seaport Transportation
27 and Economic Development Council shall submit to the
28 Department of Transportation a list of strategic
29 transportation, economic development, and freight mobility
30 projects that contribute to the economic growth of the state
31 and that have been approved pursuant to s. 311.09(5)-(9), or

1 that have been approved for seaport intermodal access projects
2 identified in the 5-year Florida Seaport Mission Plan as
3 provided in s. 311.09(3). The Department of Transportation
4 shall approve the prioritization and selection of projects for
5 funding. The Department of Transportation shall include the
6 selected projects for funding in the tentative work program
7 developed pursuant to s. 339.135. The council and the
8 Department of Transportation may perform such acts as are
9 required to facilitate and implement the provisions of this
10 subsection, including the funding of approved projects by the
11 use of other state funding programs, local contributions from
12 seaports, and the creative use of federal funds. To better
13 enable the ports to cooperate to their mutual advantage, the
14 governing body of each port may exercise powers provided to
15 municipalities or counties in s. 163.01(7)(d), subject to the
16 provisions of chapter 311 and special acts, if any, pertaining
17 to the port. The use of funds provided under this subsection
18 is limited to eligible projects listed in this subsection.
19 Section 311.07(4) does not apply to any funds received
20 pursuant to this subsection.

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

24 (b) The Chief Financial Officer each month shall
25 deposit in the State Transportation Trust Fund an amount,
26 drawn from other funds in the State Treasury which are not
27 immediately needed or are otherwise in excess of the amount
28 necessary to meet the requirements of the State Treasury,
29 which when added to such remaining revenues each month will
30 equal one-twelfth of the amount of the anticipated annual
31 revenues to be deposited in the State Transportation Trust

1 Fund under paragraph (a) as determined by the Chief Financial
2 Officer after consultation with the revenue estimating
3 conference held pursuant to s. 216.136(3). The transfers
4 required hereunder may be suspended by action of the
5 Legislative Budget Commission in the event of a significant
6 shortfall of state revenues.

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

1 Section 9. Section 336.68, Florida Statutes, is
2 created to read:

3 336.68 Special road and bridge district boundaries;
4 property owner's rights and options.--

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

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

25 (3) If the property owner chooses to withdraw the
26 property from the special road and bridge district, the
27 property owner must file a certificate of withdrawal in the
28 official records of each county in which the property is
29 located. The certificate must identify the name and mailing
30 address of the owner, the legal description of the property,
31 the name of the district from which the property is being

1 withdrawn, and the general location of the property within the
2 district. The certificate must further state that the property
3 has not received benefits from the district from which the
4 property is to be withdrawn, that there is no bonded
5 indebtedness owed by the district, and that the property being
6 withdrawn will not become an enclave within the boundary of
7 the special road and bridge district.

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

21 Section 10. Paragraph (c) of subsection (5) of section
22 339.155, Florida Statutes, is amended to read:

23 339.155 Transportation planning.--

24 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

28 1. Two or more contiguous metropolitan planning
29 organizations; one or more metropolitan planning organizations
30 and one or more contiguous counties, none of which is a member
31 of a metropolitan planning organization; a multicounty

1 regional transportation authority created by or pursuant to
2 law; two or more contiguous counties that are not members of a
3 metropolitan planning organization; or metropolitan planning
4 organizations comprised of three or more counties; ~~and-~~

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

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

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

18 (II) A representative of the public 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 (III) A representative of any private economic
23 development agencies in the region who is not an elected
24 official but who is a resident and a qualified elector in the
25 region served by the RTPO.

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

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

1 (VI) A representative of the public transit providers,
2 as defined in chapter 341, operating within the region served
3 by the RTPO.

4 (VII) A representative of the airports designated as
5 strategic intermodal system facilities located within the
6 region served by the RTPO.

7 (VIII) A representative of the affected seaports
8 designated as strategic intermodal system facilities, located
9 in the region served by the RTPO.

10 (IX) A representative of the rail lines, designated as
11 strategic intermodal system facilities, operating in the
12 region served by the RTPO.

13 (X) A representative of the expressway or bridge
14 authority, created under chapter 348, operating in the region
15 served by the RTPO.

16 (XI) A member of the Florida Senate or House of
17 Representatives in his or her capacity as the chair of the
18 local legislative delegation.

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

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

31

1 d. The voting members of the RTP0 are not entitled to
2 compensation, but shall be reimbursed for travel expenses
3 actually incurred in their duties as provided by law.

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

11 a. The voting membership of the organization consists
12 of the following members:

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

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

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

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

27 (V) A representative of the Tampa Bay Commuter Transit
28 Authority.

29 (VI) A representative of the Tampa-Hillsborough County
30 Expressway Authority.

31

1 (VII) A representative of the Tampa Bay Regional
2 Planning Council.

3 (VIII) A representative of the airports, collectively
4 representing the interests of Tampa International Airport, St.
5 Petersburg/Clearwater International Airport, and
6 Sarasota/Bradenton International Airport.

7 (IX) A representative collectively representing the
8 rail interests in the region.

9 (X) A representative collectively representing the
10 governing boards of the Port of Tampa, Port Manatee, and the
11 Port of St. Petersburg.

12 (XI) A representative collectively representing the
13 public economic development agencies representing Citrus,
14 Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota
15 Counties.

16 (XII) A member of the Florida Senate or House of
17 Representatives in his or her capacity as the chair of the Bay
18 Area legislative delegation.

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

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

31

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

4 Section 11. The sum of \$100,000 is appropriated from
5 the State Transportation Trust Fund to the Department of
6 Transportation for the purpose of funding the Bay Area
7 Regional Transportation Planning Organization for the purpose
8 of transportation planning for the 2006-2007 fiscal year.

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

11 339.2819 Transportation Regional Incentive Program.--

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

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

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

29 339.175 Metropolitan planning organization.--It is the
30 intent of the Legislature to encourage and promote the safe
31 and efficient management, operation, and development of

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

29 (1) DESIGNATION.--

30 (a)1. An M.P.O. shall be designated for each urbanized
31 area of the state; however, this does not require that an

1 individual M.P.O. be designated for each such area. ~~The Such~~
2 designation shall be accomplished by agreement between the
3 Governor and units of general-purpose local government
4 representing at least 75 percent of the population of the
5 urbanized area; however, the unit of general-purpose local
6 government that represents the central city or cities within
7 the M.P.O. jurisdiction, as defined by the United States
8 Bureau of the Census, must be a party to ~~the such~~ agreement.

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

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

27 (c) The jurisdictional boundaries of an M.P.O. shall
28 be determined by agreement between the Governor and the
29 applicable M.P.O. The boundaries must include at least the
30 metropolitan planning area, which is the existing urbanized
31 area and the contiguous area expected to become urbanized

1 within a 20-year forecast period, and may encompass the entire
2 metropolitan statistical area or the consolidated metropolitan
3 statistical area.

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

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

25
26 Each M.P.O. required under this section must be fully
27 operative no later than 6 months following its designation.

28 (2) VOTING MEMBERSHIP.--

29 (a) The voting membership of an M.P.O. shall consist
30 of not fewer than 5 or more than 19 apportioned members, the
31 exact number to be determined on an equitable

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

30 (b) In metropolitan areas in which authorities or
31 other agencies have been or may be created by law to perform

1 transportation functions and are performing transportation
2 functions that are not under the jurisdiction of a
3 ~~general-purpose~~ ~~general purpose~~ local government represented
4 on the M.P.O., they shall be provided voting membership on the
5 M.P.O. In all other M.P.O.'s where transportation authorities
6 or agencies are to be represented by elected officials from
7 ~~general-purpose~~ ~~general purpose~~ local governments, the M.P.O.
8 shall establish a process by which the collective interests of
9 such authorities or other agencies are expressed and conveyed.

10 (3) APPORTIONMENT.--

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

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

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

1 the original appointing entity. A member may be reappointed
2 for one or more additional 4-year terms.

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

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

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

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

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

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

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

30 2. Increase the safety and security of the
31 transportation system for motorized and nonmotorized users;

- 1 3. Increase the accessibility and mobility options
2 available to people and for freight;
- 3 4. Protect and enhance the environment, promote energy
4 conservation, and improve quality of life;
- 5 5. Enhance the integration and connectivity of the
6 transportation system, across and between modes, for people
7 and freight;
- 8 6. Promote efficient system management and operation;
9 and
- 10 7. Emphasize the preservation of the existing
11 transportation system.
- 12 (c) In order to provide recommendations to the
13 department and local governmental entities regarding
14 transportation plans and programs, each M.P.O. shall:
- 15 1. Prepare a congestion management system for the
16 metropolitan area and cooperate with the department in the
17 development of all other transportation management systems
18 required by state or federal law;
- 19 2. Assist the department in mapping transportation
20 planning boundaries required by state or federal law;
- 21 3. Assist the department in performing its duties
22 relating to access management, functional classification of
23 roads, and data collection;
- 24 4. Execute all agreements or certifications necessary
25 to comply with applicable state or federal law;
- 26 5. Represent all the jurisdictional areas within the
27 metropolitan area in the formulation of transportation plans
28 and programs required by this section; and
- 29 6. Perform all other duties required by state or
30 federal law.
31

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

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

31

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

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

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

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

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

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

7 2. Review the impact of regionally significant land
8 use decisions on the region.

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

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

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

31

1 2. Any M.P.O. may join with any other M.P.O. or any
2 individual political subdivision to coordinate activities or
3 to achieve any federal or state transportation planning or
4 development goals or purposes consistent with federal or state
5 law. When an M.P.O. determines that it is appropriate to join
6 with another M.P.O. or any political subdivision to coordinate
7 activities, the M.P.O. or political subdivision shall enter
8 into an interlocal agreement pursuant to s. 163.01, which, at
9 a minimum, creates a separate legal or administrative entity
10 to coordinate the transportation planning or development
11 activities required to achieve the goal or purpose; provides
12 ~~provide~~ the purpose for which the entity is created; provides
13 ~~provide~~ the duration of the agreement and the entity, and
14 specifies ~~specify~~ how the agreement may be terminated,
15 modified, or rescinded; describes ~~describe~~ the precise
16 organization of the entity, including who has voting rights on
17 the governing board, whether alternative voting members are
18 provided for, how voting members are appointed, and what the
19 relative voting strength is for each constituent M.P.O. or
20 political subdivision; provides ~~provide~~ the manner in which
21 the parties to the agreement will provide for the financial
22 support of the entity and payment of costs and expenses of the
23 entity; provides ~~provide~~ the manner in which funds may be paid
24 to and disbursed from the entity; and provides ~~provide~~ how
25 members of the entity will resolve disagreements regarding
26 interpretation of the interlocal agreement or disputes
27 relating to the operation of the entity. Such interlocal
28 agreement shall become effective upon its recordation in the
29 official public records of each county in which a member of
30 the entity created by the interlocal agreement has a voting
31

1 member. This paragraph does not require any M.P.O.'s to merge,
2 combine, or otherwise join together as a single M.P.O.

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

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

30 Section 15. Paragraph (h) of subsection (2) of section
31 20.23, Florida Statutes, is amended to read:

1 20.23 Department of Transportation.--There is created
2 a Department of Transportation which shall be a decentralized
3 agency.

4 (2)

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

20 Section 16. Paragraph (c) of subsection (6) of section
21 332.007, Florida Statutes, is amended to read:

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

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

30 (c) When federal funds are not available, the
31 department may fund up to 80 percent of master planning and

1 eligible aviation development projects at publicly owned,
2 publicly operated airports. If federal funds are available but
3 are insufficient to meet the maximum authorized federal share,
4 the department may fund up to 80 percent of the nonfederal
5 share of such projects. Such funding is limited to airports
6 that have no scheduled commercial service.

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

9 332.007 Administration and financing of aviation and
10 airport programs and projects; state plan.--

11 (8) Notwithstanding any other provision of law to the
12 contrary, the department is authorized to provide operational
13 and maintenance assistance to publicly owned public-use
14 airports. Such assistance shall be to comply with enhanced
15 federal security requirements or to address related economic
16 impacts from the events of September 11, 2001. For projects in
17 the current adopted work program, or projects added using the
18 available budget of the department, airports may request the
19 department change the project purpose in accordance with this
20 provision notwithstanding the provisions of s. 339.135(7). For
21 purposes of this subsection, the department may fund up to 100
22 percent of eligible project costs that are not funded by the
23 Federal Government. Prior to releasing any funds under this
24 section, the department shall review and approve the
25 expenditure plans submitted by the airport. The department
26 shall inform the Legislature of any change that it approves
27 under this subsection. This subsection shall expire on June
28 30, 2012 ~~2007~~.

29 Section 18. Paragraph (e) of subsection (2) of section
30 212.055, Florida Statutes, is amended, and subsection (8) is
31 added to that section, to read:

1 212.055 Discretionary sales surtaxes; legislative
 2 intent; authorization and use of proceeds.--It is the
 3 legislative intent that any authorization for imposition of a
 4 discretionary sales surtax shall be published in the Florida
 5 Statutes as a subsection of this section, irrespective of the
 6 duration of the levy. Each enactment shall specify the types
 7 of counties authorized to levy; the rate or rates which may be
 8 imposed; the maximum length of time the surtax may be imposed,
 9 if any; the procedure which must be followed to secure voter
 10 approval, if required; the purpose for which the proceeds may
 11 be expended; and such other requirements as the Legislature
 12 may provide. Taxable transactions and administrative
 13 procedures shall be as provided in s. 212.054.

14 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

26 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

27 (a) The governing authority of a county that is not
 28 authorized to levy a discretionary sales surtax pursuant to
 29 subsection (1) may levy a discretionary sales surtax pursuant
 30 to ordinance enacted by a majority of the members of the
 31

1 county governing authority and subject to approval by a
2 majority vote of the electorate of the county.

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

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

9 (d) Proceeds from the surtax shall be distributed to
10 the county and to each municipality within the county in which
11 the surtax is collected according to:

12 1. A separate interlocal agreement between the county
13 governing body and the governing body of any municipality
14 within the county; or

15 2. If there is no interlocal agreement between the
16 county governing body and the governing body of any
17 municipality within the county, an apportionment factor for
18 each eligible local government as specified in this
19 subparagraph.

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

22 (I) Each eligible county's population in the
23 unincorporated areas of the county as a percentage of the
24 total county population as determined pursuant to s. 186.901.

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

31

1 b. The apportionment factor for an eligible
2 municipality shall be composed of two equally weighted
3 portions as follows:
4 (I) Each eligible municipality's population as a
5 percentage of the total county population as determined
6 pursuant to s. 186.901.
7 (II) Each eligible municipality's percentage of
8 centerline miles derived from the combined total number of
9 centerline miles owned and maintained by the county and each
10 municipality within the county as annually reported in the
11 City/County Mileage Report promulgated by the Transportation
12 Statistics Office within the Department of Transportation.
13 (e) Proceeds from the surtax shall be applied to as
14 many or as few of the uses enumerated below in whatever
15 combination the governing body of the municipality or the
16 county considers appropriate:
17 1. Deposited by the governing body of the municipality
18 or the county in the trust fund and used for the purposes of
19 development, construction, equipment, maintenance, operation,
20 supportive services, including a bus system, and related costs
21 of a fixed guideway rapid transit system;
22 2. Remitted by the governing body of the municipality
23 or the county to an expressway or transportation authority
24 created by law to be used, at the discretion of such
25 authority, for the development, construction, operation, or
26 maintenance of roads, bicycle and pedestrian facilities, or
27 bridges in the county or municipality, for the operation and
28 maintenance of a bus system, for the payment of principal and
29 interest on existing bonds issued for the construction of such
30 roads, bicycle or pedestrian facilities, or bridges, and, upon
31 approval by the governing body of the municipality or county,

1 pledged for bonds issued to refinance existing bonds or new
2 bonds issued for the construction of such roads or bridges;

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

17 4. Used by the county or municipality to fund
18 regionally significant transportation projects that are
19 identified in a regional transportation plan developed in
20 accordance with s. 339.155(5) or to provide matching funds for
21 the Transportation Regional Incentive Program in accordance
22 with s. 339.2819 or the New Starts Transit Program as provided
23 in s. 341.051; and

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

30 Section 19. Paragraph (c) of subsection (1) of section
31 336.025, Florida Statutes, is amended to read:

1 336.025 County transportation system; levy of local
2 option fuel tax on motor fuel and diesel fuel.--

3 (1)

4 (c) Local governments may use the services of the
5 Division of Bond Finance of the State Board of Administration
6 pursuant to the State Bond Act to issue any bonds through the
7 provisions of this section and may pledge the revenues from
8 local option fuel taxes to secure the payment of the bonds. ~~In~~
9 ~~no case may a jurisdiction issue bonds pursuant to this~~
10 ~~section more frequently than once per year.~~ Counties and
11 municipalities may join together for the issuance of bonds
12 issued pursuant to this section.

13 Section 20. Paragraph (j) of subsection (1) of section
14 339.08, Florida Statutes, is amended to read:

15 339.08 Use of moneys in State Transportation Trust
16 Fund.--

17 (1) The department shall expend moneys in the State
18 Transportation Trust Fund accruing to the department, in
19 accordance with its annual budget. The use of such moneys
20 shall be restricted to the following purposes:

21 (j) To pay the cost of county or municipal road
22 projects selected in accordance with the County Incentive
23 Grant Program created in s. 339.2817, ~~and~~ the Small County
24 Outreach Program created in s. 339.2818, and the Enhanced
25 Bridge Program created in s. 339.282.

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

28 339.282 Enhanced Bridge Program for Sustainable
29 Transportation.--

30 (1) There is created within the Department of
31 Transportation the Enhanced Bridge Program for Sustainable

1 Transportation for the purpose of providing funds to improve
2 the sufficiency rating of local bridges and to improve
3 congested roads on the State Highway System or local corridors
4 on which high-cost bridges are located in order to improve a
5 corridor or provide an alternative corridor.

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

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

14 (a) Be classified as a structurally deficient bridge
15 having a poor condition rating for the deck, superstructure,
16 substructure component, or culvert;

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

18 (c) Have average daily traffic of at least 500
19 vehicles.

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

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

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

31

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

3 (6) Preference shall be given to bridge projects
4 located on corridors that connect to the Strategic Intermodal
5 System, created under s. 339.64, and that have been identified
6 as regionally significant in accordance with s.
7 339.155(5)(c), (d), and (e).

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

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

1 the requirements in this section and in a legally binding
 2 agreement between the property owner or developer and the
 3 applicable local government, the contribution to the local
 4 government collector and arterial system may be applied as a
 5 credit against any future transportation concurrency
 6 requirements pursuant to chapter 163.

7 Section 23. Paragraph (b) of subsection (3) of section
 8 316.650, Florida Statutes, is amended to read:

9 316.650 Traffic citations.--

10 (3)

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

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

30 318.14 Noncriminal traffic infractions; exception;
 31 procedures.--

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

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

20 318.18 Amount of civil penalties.--The penalties
21 required for a noncriminal disposition pursuant to s. 318.14
22 are as follows:

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

1 of the unpaid toll for each citation issued. The clerk of the
2 court shall forward \$25 of the \$100 plus the amount of the
3 unpaid toll as shown on the citation to the governmental
4 entity that issued the citation. The court shall have specific
5 authority to consolidate issued citations for the same
6 defendant for the purpose of sentencing and aggregate
7 jurisdiction. In addition, the department shall suspend for 60
8 days the driver's license of a person who is convicted of 10
9 violations of s. 316.1001 within a 36-month period. However, a
10 ~~person may elect to pay \$30 to the clerk of the court, in~~
11 ~~which case adjudication is withheld, and no points are~~
12 ~~assessed under s. 322.27. Upon receipt of the fine, the clerk~~
13 ~~of the court must retain \$5 for administrative purposes and~~
14 ~~must forward the \$25 to the governmental entity that issued~~
15 ~~the citation. Any funds received by a governmental entity for~~
16 ~~this violation may be used for any lawful purpose related to~~
17 ~~the operation or maintenance of a toll facility.~~

18 Section 26. Subsection (6) is added to section
19 348.754, Florida Statutes, to read:

20 348.754 Purposes and powers.--

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

31

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

4 1. Be an independent business.

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

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

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

11 5. Be accepted as a participant in the Orlando-Orange
12 County Expressway Authority's microcontracts program or such
13 other small business program as may be hereinafter enacted by
14 the Orlando-Orange County Expressway Authority.

15 6. Participate in an educational curriculum or
16 technical assistance program for business development which
17 will assist the small business in becoming eligible for
18 bonding.

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

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

30 2. Waiver of the payment and performance bond.

31

1 The decision of the authority's executive director or deputy
2 executive director to waive the payment and performance bond
3 shall be based upon his or her investigation and conclusion
4 that there exists sufficient competition so that the authority
5 receives a fair price and does not undertake any unusual risk
6 with respect to such project.

7 (d) For any contract for which a payment and
8 performance bond has been waived pursuant to the authority set
9 forth in this section, the Orlando-Orange County Expressway
10 Authority shall pay all persons defined in s. 713.01 who
11 furnish labor, services, or materials for the prosecution of
12 the work provided for in the contract to the same extent and
13 upon the same conditions that a surety on the payment bond
14 under s. 255.05 would have been obligated to pay such persons
15 if the payment and performance bond had not been waived. The
16 authority shall record notice of this obligation in the manner
17 in which and at the location where surety bonds are recorded.
18 The notice must include the information describing the
19 contract that s. 255.05(1) requires be stated on the front
20 page of the bond. Notwithstanding that s. 255.05(9) generally
21 applies when a performance and payment bond is required, s.
22 255.05(9) shall apply under this subsection to any contract
23 for which performance or payment bonds are waived, and any
24 claim to payment under this subsection shall be treated as a
25 contract claim pursuant to s. 255.05(9).

26 (e) A small business that has been the successful
27 bidder on six projects for which the payment and performance
28 bond was waived by the authority pursuant to paragraph (a)
29 shall be ineligible to bid on additional projects for which
30 the payment and performance bond is to be waived. The local
31 small business may continue to participate in other elements

1 of the economic development program for local small businesses
 2 as long as it is eligible to do so.

3 (f) The authority shall conduct bond-eligibility
 4 training for businesses qualifying for bond waiver under this
 5 subsection to encourage and promote bond eligibility for such
 6 businesses.

7 (g) The authority shall prepare a biennial report on
 8 the activities undertaken pursuant to this subsection to be
 9 submitted to the Orange County legislative delegation. The
 10 initial report shall be due December 31, 2008.

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

13 348.0004 Purposes and powers.--

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

21 (a) Notwithstanding any other provision of the Florida
 22 Expressway Authority Act, any expressway authority,
 23 transportation authority, bridge authority, or toll authority
 24 established under this part or any other statute may receive
 25 or solicit proposals and enter into agreements with private
 26 entities, or consortia thereof, for the building, operation,
 27 ownership, or financing of ~~expressway~~ authority transportation
 28 facilities or new transportation facilities within the
 29 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 30 authority is authorized to adopt rules to implement this
 31 subsection and shall, by rule, establish an application fee

1 for the submission of unsolicited proposals under this
2 subsection. The fee must be sufficient to pay the costs of
3 evaluating the proposals. An ~~expressway~~ authority may engage
4 private consultants to assist in the evaluation. Before
5 approval, an ~~expressway~~ authority must determine that a
6 proposed project:

7 1. Is in the public's best interest.
8 2. Would not require state funds to be used unless the
9 project is on or provides increased mobility on the State
10 Highway System.

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

16 (b) An ~~expressway~~ authority shall ensure that all
17 reasonable costs to the state which are~~7~~ related to
18 transportation facilities that are not part of the State
19 Highway System~~7~~ are borne by the private entity. An ~~expressway~~
20 authority shall also ensure that all reasonable costs to the
21 state and substantially affected local governments and
22 utilities related to the private transportation facility are
23 borne by the private entity for transportation facilities that
24 are owned by private entities. For projects on the State
25 Highway System, the department may use state resources to
26 participate in funding and financing the project as provided
27 for under the department's enabling legislation.

28 (c) The ~~expressway~~ authority may request proposals for
29 public-private transportation projects or, if it receives an
30 unsolicited proposal, it must publish a notice in the Florida
31 Administrative Weekly and a newspaper of general circulation

1 in the county in which it is located at least once a week for
2 2 weeks⁷, stating that it has received the proposal and will
3 accept, for 60 days after the initial date of publication,
4 other proposals for the same project purpose. A copy of the
5 notice must be mailed to each local government in the affected
6 areas. After the public notification period has expired, the
7 ~~expressway~~ authority shall rank the proposals in order of
8 preference. In ranking the proposals, the ~~expressway~~ authority
9 shall consider professional qualifications, general business
10 terms, innovative engineering or cost-reduction terms, finance
11 plans, and the need for state funds to deliver the proposal.
12 If the ~~expressway~~ authority is not satisfied with the results
13 of the negotiations, it may, at its sole discretion, terminate
14 negotiations with the proposer. If these negotiations are
15 unsuccessful, the ~~expressway~~ authority may go to the second
16 and lower-ranked firms, in order, using the same procedure. If
17 only one proposal is received, the ~~expressway~~ authority may
18 negotiate in good faith, and if it is not satisfied with the
19 results, it may, at its sole discretion, terminate
20 negotiations with the proposer. Notwithstanding this
21 paragraph, the ~~expressway~~ authority may, at its discretion,
22 reject all proposals at any point in the process up to
23 completion of a contract with the proposer.

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

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1 acceptable to the department, to ensure that the loans will be
2 fully repaid.

3 (e) Agreements entered into pursuant to this
4 subsection may authorize the public-private entity to impose
5 tolls or fares for the use of the facility. However, the
6 amount and use of toll or fare revenues shall be regulated by
7 the ~~expressway~~ authority to avoid unreasonable costs to users
8 of the facility.

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

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

25 (h) Except as herein provided, this subsection is not
26 intended to amend existing laws by granting additional powers
27 to or further restricting the governmental entities from
28 regulating and entering into cooperative arrangements with the
29 private sector for the planning, construction, and operation
30 of transportation facilities. Use of the powers granted in
31 this subsection may not subject a statutorily created

1 expressway authority, transportation authority, bridge
 2 authority, or toll authority, other than one statutorily
 3 created under this part, to any of the requirements of this
 4 part other than those contained in this subsection.

5 Section 28. Section 348.0012, Florida Statutes, is
 6 amended to read:

7 348.0012 Exemptions from applicability.--The Florida
 8 Expressway Authority Act does not apply:

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

12 (2) To a transportation authority created pursuant to
 13 chapter 349.

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

28 Section 30. Subsection (13) is added to section
 29 338.251, Florida Statutes, to read:

30 338.251 Toll Facilities Revolving Trust Fund.--The
 31 Toll Facilities Revolving Trust Fund is hereby created for the

1 purpose of encouraging the development and enhancing the
2 financial feasibility of revenue-producing road projects
3 undertaken by local governmental entities in a county or
4 combination of contiguous counties and the turnpike
5 enterprise.

6 (13) Notwithstanding subsection (1), and any other
7 provision of law, the department is authorized to make loans
8 for administrative expenses to multi-county
9 transportation/expressway authorities created under chapter
10 343 or chapter 348 where jurisdiction for the authority
11 includes a portion of the State Highway System. The proposed
12 administrative expense budget shall be submitted to the
13 secretary for consideration to ensure the proposed expenses
14 are in accordance with law and are being conducted in good
15 faith in the furtherance of the duties and responsibilities of
16 the authority. The authority shall outline the repayment
17 source of funds on the loan in the application to the
18 secretary.

19 Section 31. Brickell Avenue designated; signs, mailing
20 addresses, listings, and markers.--

21 (1) Notwithstanding ss. 267.062 and 334.071, Florida
22 Statutes, that portion of S.E. 2nd Avenue from the Miami River
23 Bridge north to S.E. 2nd Street is designated as "Brickell
24 Avenue."

25 (2) The City of Miami is authorized and directed to
26 change street signs and markers, mailing addresses, and 911
27 emergency telephone number system listings to reflect the
28 designation.

29 (3) The City of Miami is authorized and directed to
30 erect the appropriate signs and markers upon Brickell Avenue
31 as described in subsection (1).

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Section 32. This act shall take effect July 1, 2006.