

1 A bill to be entitled
2 An act relating to transportation; amending s. 112.061,
3 F.S.; authorizing metropolitan planning organizations and
4 certain separate entities to establish per diem and travel
5 reimbursement rates; amending s. 121.021, F.S.; revising
6 the definition of "local agency employer" to include
7 metropolitan planning organizations and certain separate
8 entities for purposes of the Florida Retirement System
9 Act; revising the definition of "regularly established
10 position" to include positions in metropolitan planning
11 organizations; amending s. 121.051, F.S.; providing for
12 metropolitan planning organizations to participate in the
13 Florida Retirement System; amending s. 121.055, F.S.;
14 requiring certain metropolitan planning organization and
15 similar entity staff positions to be in the Senior
16 Management Service Class of the Florida Retirement System;
17 amending s. 121.061, F.S.; providing for enforcement of
18 certain employer funding contributions required under the
19 Florida Retirement System; authorizing deductions of
20 amounts owed from certain funds distributed to a
21 metropolitan planning organization; authorizing the
22 governing body of a metropolitan planning organization to
23 file and maintain an action in court to require an
24 employer to remit retirement or social security member
25 contributions or employer matching payments; amending s.
26 121.081, F.S.; providing for metropolitan planning
27 organization officers and staff to claim past service for
28 retirement benefits; amending s. 316.605, F.S.; providing

29 height and placement requirements for vehicle license
30 plates; prohibiting display that obscures identification
31 of the letters and numbers on a license plate; providing
32 penalties; amending s. 316.650, F.S.; revising procedures
33 for disposition of citations issued for failure to pay
34 toll; providing that the citation will not be submitted to
35 the court and no points will be assessed on the driver's
36 license if the person cited elects to make payment
37 directly to the governmental entity that issued the
38 citation; providing for reporting of the citation by the
39 governmental entity to the Department of Highway Safety
40 and Motor Vehicles; amending s. 318.14, F.S.; providing
41 for the amount required to be paid under certain
42 procedures for disposition of a citation issued for
43 failure to pay toll; providing for the person cited to
44 request a court hearing; amending s. 318.18, F.S.;
45 revising penalties for failure to pay a prescribed toll;
46 providing for disposition of amounts received by the clerk
47 of court; revising procedures for withholding of
48 adjudication; providing for suspension of a driver's
49 license under certain circumstances; amending s. 320.061,
50 F.S.; prohibiting interfering with the legibility, angular
51 visibility, or detectability of any feature or detail on a
52 license plate or interfering with the ability to
53 photograph or otherwise record any feature or detail on a
54 license plate; prohibiting advertising, sale,
55 distribution, purchase, or use of any product made for
56 such purpose; providing penalties; providing for a law

57 enforcement officer to issue a citation and confiscate a
58 cover or other device obstructing the visibility or
59 electronic image recording of a plate or to confiscate a
60 license plate physically treated with a substance or
61 material that is obstructing the visibility or electronic
62 image recording of the plate; requiring the Department of
63 Highway Safety and Motor Vehicles to revoke the
64 registration of a plate so altered; providing for the
65 Attorney General to file suit against any entity offering
66 or marketing a product advertised as having the capacity
67 to obstruct the visibility or electronic image recording
68 of a license plate; renumbering and amending s. 336.044,
69 F.S., relating to Department of Transportation use of
70 recovered materials in construction programs; adding
71 gypsum to the list of materials authorized for use in
72 certain demonstration projects; amending s. 338.161, F.S.;
73 providing for the Department of Transportation and certain
74 toll agencies to enter into agreements with public or
75 private entities for additional uses of electronic toll
76 collection products and services; amending s. 338.2216,
77 F.S.; changing the carryforward date on certain
78 undisbursed Florida Turnpike Enterprise funds; amending s.
79 338.2275, F.S.; raising the limit on outstanding bonds to
80 fund turnpike projects; amending s. 339.175, F.S.;
81 specifying that a metropolitan planning organization is a
82 separate legal entity independent of entities represented
83 on the M.P.O. and signatories to the agreement creating
84 the M.P.O.; providing for transfer of responsibilities and

85 liabilities to the new M.P.O. upon execution of a new
86 interlocal agreement by the governmental entities
87 constituting the M.P.O.; providing for selection of
88 certain officers; revising requirements for voting
89 membership; specifying certain constitutional and charter
90 officers are not elected officials of a general-purpose
91 local government for voting membership purposes;
92 establishing a process for appointing alternate members;
93 revising provisions for nonvoting advisers; revising
94 provisions for employment of staff by an M.P.O.; providing
95 for training of certain persons who serve on an M.P.O. for
96 certain purposes; providing additional powers and duties
97 of M.P.O.'s; directing M.P.O.'s to develop coordinated
98 transportation planning processes under certain
99 conditions; requiring a report; revising voting
100 requirements for approval of certain plans and programs
101 and amendments thereto; amending s. 20.23, F.S.; providing
102 that the salary and benefits of the executive director of
103 the Florida Transportation Commission shall be set in
104 accordance with the Senior Management Service; amending s.
105 332.007, F.S.; authorizing the Department of
106 Transportation to provide funds for certain general
107 aviation projects under certain circumstances;
108 redesignating part X of chapter 348, F.S.; creating part X
109 of chapter 348, F.S.; creating the "Osceola County
110 Expressway Authority Law"; providing definitions; creating
111 the authority as an agency of the state; providing for
112 membership, terms, organization, personnel, and

113 administration; providing purposes and powers for
114 construction, expansion, maintenance, improvement, and
115 operation of the Osceola County Expressway System;
116 providing for use of certain funds to pay obligations;
117 requiring consent of local and county jurisdiction for
118 agreements that would restrict construction of roads;
119 providing for bond financing of improvements to certain
120 facilities; providing for issuance of bonds; providing for
121 rights and remedies granted to bondholders; providing for
122 appointment of a trustee to represent the bondholders;
123 providing for appointment of a receiver to take possession
124 of and operate and maintain the system; providing for
125 lease of the system to the Department of Transportation
126 under a lease-purchase agreement; authorizing the
127 department to act in place of the authority under terms of
128 the lease-purchase agreement; requiring approval by the
129 county for certain provisions of the lease-purchase
130 agreement; providing that the system is part of the state
131 road system; authorizing the department to expend a
132 limited amount of funds; providing for the authority to
133 appoint the department as its agent for certain
134 construction purposes; authorizing the authority to
135 acquire property; limiting liability of the authority for
136 contamination existing on an acquired property; providing
137 for remedial acts necessary due to such contamination;
138 authorizing agreements between the authority and other
139 entities; providing a pledge of the state to bondholders;
140 exempting the authority from taxation; providing for

141 application and construction of the part; amending s.
142 373.036, F.S.; correcting a cross-reference; amending s.
143 373.406, F.S.; exempting certain transportation projects
144 from certain requirements for management and storage of
145 surface waters; amending ss. 373.4135 and 373.4136, F.S.;
146 correcting cross-references; amending s. 373.414, F.S.;
147 exempting certain transportation projects and activities
148 from specified public-interest criteria relating to
149 surface waters and wetlands; amending s. 373.4145, F.S.;
150 exempting certain transportation projects and activities
151 within the geographical jurisdiction of the Northwest
152 Florida Water Management District from certain permitting
153 requirements; creating s. 373.4146, F.S.; specifying
154 transportation projects and activities that are exempt
155 from certain requirements for management and storage of
156 surface waters; providing for application of certain
157 requirements relating to stormwater discharge, impact
158 review, acreage thresholds, wetland impacts and general
159 permits, and minimum width or acreage restrictions on
160 stormwater treatment facilities; directing the Department
161 of Environmental Protection, the water management
162 districts, and the Department of Transportation to develop
163 memorandums of understanding relating to the use of
164 sovereign submerged lands or other state-owned lands, a
165 method for determining the seasonal high groundwater table
166 elevation, and best management practices to treat or
167 minimize identified constituents of highway stormwater
168 runoff; providing for application of the memorandums to

169 transportation projects and activities; amending s.
170 348.0003, F.S.; revising the membership of expressway
171 authority governing boards in certain counties; amending
172 s. 348.0004, F.S.; providing for public notice of a
173 proposed toll increase by certain expressway authorities;
174 authorizing a transportation authority, bridge authority,
175 or toll authority to receive or solicit proposals and
176 enter into agreements with private entities for certain
177 transportation facility purposes; providing for
178 application of specified provisions to use of certain
179 additional powers by certain expressway authorities,
180 transportation authorities, bridge authorities, or toll
181 authorities; amending s. 348.754, F.S.; authorizing the
182 Orlando-Orange County Expressway Authority to waive
183 payment and performance bonds on certain construction
184 contracts if the contract is awarded pursuant to an
185 economic development program for the encouragement of
186 local small businesses; providing criteria for
187 participation in the program; providing criteria for the
188 bond waiver; providing for certain determinations by the
189 authority's executive director or a designee as to the
190 suitability of a project; providing for certain payment
191 obligations if a payment and performance bond is waived;
192 requiring the authority to record notice of the
193 obligation; limiting eligibility to bid on the projects;
194 providing for the authority to conduct bond eligibility
195 training for certain businesses; requiring the authority
196 to submit biennial reports to the Orange County

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197 legislative delegation; amending s. 212.055, F.S.;

198 renaming the Charter County Transit System Surtax as the

199 County Transportation System Surtax; authorizing all

200 counties to levy a discretionary sales surtax; providing

201 for approval by the governing body or the electorate of

202 the county; providing for distribution to the county and

203 municipalities by interlocal agreement or a certain

204 apportionment formula; providing for distribution of the

205 surtax by certain charter counties; providing for

206 application to certain counties in which the surtax

207 currently exists; providing for application to existing

208 agreements; revising authorized uses of the surtax to

209 include bicycle and pedestrian facilities, certain

210 transportation projects and transit programs, certain

211 capital improvements, and concurrency management;

212 directing the Department of Transportation to conduct a

213 study of the access roads to pari-mutuel facilities and

214 Indian reservation lands where gaming activities occur;

215 providing for content of the study; requiring a report to

216 the Governor and the Legislature; providing ongoing

217 appropriations for fixed capital outlay projects for

218 arterial highway construction; providing an effective

219 date.

220

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

222

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

224 Statutes, is amended to read:

225 112.061 Per diem and travel expenses of public officers,
 226 employees, and authorized persons.--

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

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

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

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

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

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

243 5. Any metropolitan planning organization created pursuant
 244 to s. 339.175, or any separate legal or administrative entity
 245 created pursuant to s. 339.175 of which a metropolitan planning
 246 organization is a member, by enactment of a resolution.

247 (b) Rates established pursuant to paragraph (a) must apply
 248 uniformly to all travel by the county, county constitutional
 249 officer and entity governed by that officer, district school
 250 board, or special district.

251 (c) Except as otherwise provided in this subsection,
 252 counties, county constitutional officers and entities governed

253 by those officers, district school boards, and special
 254 districts, other than those subject to s. 166.021(10), remain
 255 subject to the requirements of this section.

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

259 121.021 Definitions.--The following words and phrases as
 260 used in this chapter have the respective meanings set forth
 261 unless a different meaning is plainly required by the context:

262 (42) (a) "Local agency employer" means the board of county
 263 commissioners or other legislative governing body of a county,
 264 however styled, including that of a consolidated or metropolitan
 265 government; a clerk of the circuit court, sheriff, property
 266 appraiser, tax collector, or supervisor of elections, provided
 267 such officer is elected or has been appointed to fill a vacancy
 268 in an elective office; a community college board of trustees or
 269 district school board; or the governing body of any city,
 270 metropolitan planning organization created pursuant to s.
 271 339.175, or any separate legal or administrative entity created
 272 pursuant to s. 339.175, or special district of the state which
 273 participates in the system for the benefit of certain of its
 274 employees.

275 (52) "Regularly established position" is defined as
 276 follows:

277 (b) In a local agency (district school board, county
 278 agency, community college, city, metropolitan planning
 279 organization, or special district), the term means a regularly

280 established position which will be in existence for a period
 281 beyond 6 consecutive months, except as provided by rule.

282 Section 3. Paragraph (b) of subsection (2) of section
 283 121.051, Florida Statutes, is amended to read:

284 121.051 Participation in the system.--

285 (2) OPTIONAL PARTICIPATION.--

286 (b)1. The governing body of any municipality, metropolitan
 287 planning organization, or special district in the state may
 288 elect to participate in the system upon proper application to
 289 the administrator and may cover all or any of its units as
 290 approved by the Secretary of Health and Human Services and the
 291 administrator. The department shall adopt rules establishing
 292 provisions for the submission of documents necessary for such
 293 application. Prior to being approved for participation in the
 294 Florida Retirement System, the governing body of any such
 295 municipality, metropolitan planning organization, or special
 296 district that has a local retirement system shall submit to the
 297 administrator a certified financial statement showing the
 298 condition of the local retirement system as of a date within 3
 299 months prior to the proposed effective date of membership in the
 300 Florida Retirement System. The statement must be certified by a
 301 recognized accounting firm that is independent of the local
 302 retirement system. All required documents necessary for
 303 extending Florida Retirement System coverage must be received by
 304 the department for consideration at least 15 days prior to the
 305 proposed effective date of coverage. If the municipality,
 306 metropolitan planning organization, or special district does not

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307 | comply with this requirement, the department may require that
308 | the effective date of coverage be changed.

309 | 2. Any city, metropolitan planning organization, or
310 | special district that has an existing retirement system covering
311 | the employees in the units that are to be brought under the
312 | Florida Retirement System may participate only after holding a
313 | referendum in which all employees in the affected units have the
314 | right to participate. Only those employees electing coverage
315 | under the Florida Retirement System by affirmative vote in said
316 | referendum shall be eligible for coverage under this chapter,
317 | and those not participating or electing not to be covered by the
318 | Florida Retirement System shall remain in their present systems
319 | and shall not be eligible for coverage under this chapter. After
320 | the referendum is held, all future employees shall be compulsory
321 | members of the Florida Retirement System.

322 | 3. The governing body of any city, metropolitan planning
323 | organization, or special district complying with subparagraph 1.
324 | may elect to provide, or not provide, benefits based on past
325 | service of officers and employees as described in s. 121.081(1).
326 | However, if such employer elects to provide past service
327 | benefits, such benefits must be provided for all officers and
328 | employees of its covered group.

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

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

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

347 b. From 7 to 15 days before such hearing, notice of intent
348 to withdraw, specifying the time and place of the hearing, must
349 be provided in writing to employees of the hospital district
350 proposing partial withdrawal and must be published in a
351 newspaper of general circulation in the area affected, as
352 provided by ss. 50.011-50.031. Proof of publication of such
353 notice shall be submitted to the Department of Management
354 Services.

355 c. The governing body of any hospital district seeking to
356 partially withdraw from the system must, before such hearing,
357 have an actuarial report prepared and certified by an enrolled
358 actuary, as defined in s. 112.625(3), illustrating the cost to
359 the hospital district of providing, through the retirement plan
360 that the hospital district is to adopt, benefits for new

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361 employees comparable to those provided under the Florida
362 Retirement System.

363 d. Upon meeting all applicable requirements of this
364 subparagraph, and subject to the conditions set forth in
365 subparagraph 6., partial withdrawal from the system and adoption
366 of the alternative retirement plan may be accomplished by
367 resolution duly adopted by the hospital district board. The
368 hospital district board must provide written notice of such
369 withdrawal to the division by mailing a copy of the resolution
370 to the division, postmarked no later than December 15, 1995. The
371 withdrawal shall take effect January 1, 1996.

372 6. Following the adoption of a resolution under sub-
373 subparagraph 5.d., all employees of the withdrawing hospital
374 district who were participants in the Florida Retirement System
375 prior to January 1, 1996, shall remain as participants in the
376 system for as long as they are employees of the hospital
377 district, and all rights, duties, and obligations between the
378 hospital district, the system, and the employees shall remain in
379 full force and effect. Any employee who is hired or appointed on
380 or after January 1, 1996, may not participate in the Florida
381 Retirement System, and the withdrawing hospital district shall
382 have no obligation to the system with respect to such employees.

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

385 121.055 Senior Management Service Class.--There is hereby
386 established a separate class of membership within the Florida
387 Retirement System to be known as the "Senior Management Service
388 Class," which shall become effective February 1, 1987.

389 (1)
 390 (1) For each metropolitan planning organization that has
 391 opted to become part of the Florida Retirement System,
 392 participation in the Senior Management Service Class shall be
 393 compulsory for the executive director or staff director of that
 394 metropolitan planning organization or similar entity created
 395 pursuant to s. 339.175.

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

398 121.061 Funding.--

399 (2) (a) Should any employer other than a state employer
 400 fail to make the retirement and social security contributions,
 401 both member and employer contributions, required by this
 402 chapter, then, upon request by the administrator, the Department
 403 of Revenue or the Department of Financial Services, as the case
 404 may be, shall deduct the amount owed by the employer from any
 405 funds to be distributed by it to the county, city, metropolitan
 406 planning organization, special district, or consolidated form of
 407 government. The amounts so deducted shall be transferred to the
 408 administrator for further distribution to the trust funds in
 409 accordance with this chapter.

410 (c) The governing body of each county, city, metropolitan
 411 planning organization, special district, or consolidated form of
 412 government participating under this chapter or the
 413 administrator, acting individually or jointly, is hereby
 414 authorized to file and maintain an action in the courts of the
 415 state to require any employer to remit any retirement or social
 416 security member contributions or employer matching payments due

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417 the retirement or social security trust funds under the
418 provisions of this chapter.

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

421 121.081 Past service; prior service;
422 contributions.--Conditions under which past service or prior
423 service may be claimed and credited are:

424 (1)(a) Past service, as defined in s. 121.021(18), may be
425 claimed as creditable service by officers or employees of a
426 city, metropolitan planning organization, or special district
427 that become a covered group under this system. The governing
428 body of a covered group in compliance with s. 121.051(2)(b) may
429 elect to provide benefits with respect to past service earned
430 prior to January 1, 1975, in accordance with this chapter, and
431 the cost for such past service shall be established by applying
432 the following formula: The member contribution for both regular
433 and special risk members shall be 4 percent of the gross annual
434 salary for each year of past service claimed, plus 4-percent
435 employer matching contribution, plus 4 percent interest thereon
436 compounded annually, figured on each year of past service, with
437 interest compounded from date of annual salary earned until July
438 1, 1975, and 6.5 percent interest compounded annually thereafter
439 until date of payment. Once the total cost for a member has been
440 figured to date, then after July 1, 1975, 6.5 percent compounded
441 interest shall be added each June 30 thereafter on any unpaid
442 balance until the cost of such past service liability is paid in
443 full. The following formula shall be used in calculating past
444 service earned prior to January 1, 1975: (Annual gross salary

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445 multiplied by 8 percent) multiplied by the 4 percent or 6.5
446 percent compound interest table factor, as may be applicable.
447 The resulting product equals cost to date for each particular
448 year of past service.

449 (b) Past service earned after January 1, 1975, may be
450 claimed by officers or employees of a city, metropolitan
451 planning organization, or special district that becomes a
452 covered group under this system. The governing body of a covered
453 group may elect to provide benefits with respect to past service
454 earned after January 1, 1975, in accordance with this chapter,
455 and the cost for such past service shall be established by
456 applying the following formula: The employer shall contribute an
457 amount equal to the contribution rate in effect at the time the
458 service was earned, multiplied by the employee's gross salary
459 for each year of past service claimed, plus 6.5 percent interest
460 thereon, compounded annually, figured on each year of past
461 service, with interest compounded from date of annual salary
462 earned until date of payment.

463 (e) Past service, as defined in s. 121.021(18), may be
464 claimed as creditable service by a member of the Florida
465 Retirement System who formerly was an officer or employee of a
466 city, metropolitan planning organization, or special district,
467 notwithstanding the status or form of the retirement system, if
468 any, of that city, metropolitan planning organization, or
469 special district and irrespective of whether officers or
470 employees of that city, metropolitan planning organization, or
471 special district now or hereafter become a covered group under
472 the Florida Retirement System. Such member may claim creditable

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473 service and be entitled to the benefits accruing to the regular
474 class of members as provided for the past service claimed under
475 this paragraph by paying into the retirement trust fund an
476 amount equal to the total actuarial cost of providing the
477 additional benefit resulting from such past-service credit,
478 discounted by the applicable actuarial factors to date of
479 retirement.

480 Section 7. Subsection (1) of section 316.605, Florida
481 Statutes, is amended to read:

482 316.605 Licensing of vehicles.--

483 (1) Every vehicle, at all times while driven, stopped, or
484 parked upon any highways, roads, or streets of this state, shall
485 be licensed in the name of the owner thereof in accordance with
486 the laws of this state unless such vehicle is not required by
487 the laws of this state to be licensed in this state and shall,
488 except as otherwise provided in s. 320.0706 for front-end
489 registration license plates on truck tractors and s. 320.086(5)
490 which exempts display of license plates on described former
491 military vehicles, display the license plate or both of the
492 license plates assigned to it by the state, one on the rear and,
493 if two, the other on the front of the vehicle, each to be
494 securely fastened to the vehicle outside the main body of the
495 vehicle not higher than 60 inches and not lower than 12 inches
496 from the ground and in such manner as to prevent the plates from
497 swinging, and all letters, numerals, printing, writing, and
498 other identification marks upon the plates regarding the word
499 "Florida," the registration decal, and the alphanumeric
500 designation shall be clear and distinct and free from

501 defacement, mutilation, grease, and other obscuring matter, so
 502 that they will be plainly visible and legible at all times 100
 503 feet from the rear or front. Vehicle license plates shall be
 504 affixed and displayed in such a manner that the letters and
 505 numerals shall be read from left to right parallel to the
 506 ground. No vehicle license plate may be displayed in an inverted
 507 or reversed position or in such a manner that the letters and
 508 numbers and their proper sequence are not readily identifiable.
 509 Nothing shall be placed upon the face of a Florida plate except
 510 as permitted by law or by rule or regulation of a governmental
 511 agency. No license plates other than those furnished by the
 512 state shall be used. However, if the vehicle is not required to
 513 be licensed in this state, the license plates on such vehicle
 514 issued by another state, by a territory, possession, or district
 515 of the United States, or by a foreign country, substantially
 516 complying with the provisions hereof, shall be considered as
 517 complying with this chapter. A violation of this subsection is a
 518 noncriminal traffic infraction, punishable as a nonmoving
 519 violation as provided in chapter 318.

520 Section 8. Paragraph (b) of subsection (3) of section
 521 316.650, Florida Statutes, is amended to read:

522 316.650 Traffic citations.--

523 (3)

524 (b) If a traffic citation is issued pursuant to s.
 525 316.1001, a traffic enforcement officer may deposit the original
 526 and one copy of such traffic citation or, in the case of a
 527 traffic enforcement agency that has an automated citation
 528 system, may provide an electronic facsimile with a court having

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529 jurisdiction over the alleged offense or with its traffic
 530 violations bureau within 45 days after the date of issuance of
 531 the citation to the violator. If the person cited for the
 532 violation of s. 316.1001 makes the election provided by s.
 533 318.14(12) and pays the fine imposed by the toll authority plus
 534 the amount of the unpaid toll that is shown on the traffic
 535 citation directly to the governmental entity that issued the
 536 citation in accordance with s. 318.14(12), the traffic citation
 537 will not be submitted to the court, the disposition will be
 538 reported to the department by the governmental entity that
 539 issued the citation, and no points will be assessed against the
 540 person's driver's license.

541 Section 9. Subsection (12) of section 318.14, Florida
 542 Statutes, is amended to read:

543 318.14 Noncriminal traffic infractions; exception;
 544 procedures.--

545 (12) Any person cited for a violation of s. 316.1001 may,
 546 in lieu of making an election as set forth in subsection (4) or
 547 s. 318.18(7), elect to pay a his or her fine of \$25, or such
 548 other amount as imposed by the toll authority, plus the amount
 549 of the unpaid toll that is shown on the traffic citation
 550 directly to the governmental entity that issued the citation,
 551 within 30 days after the date of issuance of the citation. Any
 552 person cited for a violation of s. 316.1001 who does not elect
 553 to pay the fine imposed by the toll authority plus the amount of
 554 the unpaid toll that is shown on the traffic citation directly
 555 to the governmental entity that issued the citation as described
 556 in this subsection ~~section~~ shall have an additional 45 days

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557 after the date of the issuance of the citation in which to
 558 request a court hearing or to pay the civil penalty and
 559 delinquent fee, if applicable, as provided in s. 318.18(7),
 560 either by mail or in person, in accordance with subsection (4).

561 Section 10. Subsection (7) of section 318.18, Florida
 562 Statutes, is amended to read:

563 318.18 Amount of civil penalties.--The penalties required
 564 for a noncriminal disposition pursuant to s. 318.14 are as
 565 follows:

566 (7) Mandatory \$150 plus the amount of the unpaid toll
 567 shown on the traffic citation for each citation issued ~~One~~
 568 ~~hundred dollars~~ for a violation of s. 316.1001. The clerk of the
 569 court shall forward \$50 of the \$150 fine received plus the
 570 amount of the unpaid toll that is shown on the citation to the
 571 governmental entity that issued the citation. If adjudication is
 572 withheld or there is a plea arrangement prior to a hearing,
 573 there shall be a minimum mandatory cost assessed per citation of
 574 \$100 plus the amount of the unpaid toll for each citation
 575 issued. The clerk of the court shall forward \$50 of the \$100
 576 plus the amount of the unpaid toll as shown on the citation to
 577 the governmental entity that issued the citation. The court
 578 shall have specific authority to consolidate issued citations
 579 for the same defendant for the purpose of sentencing and
 580 aggregate jurisdiction. In addition, the department shall
 581 suspend for 60 days the driver's license of a person who is
 582 convicted of 10 violations of s. 316.1001 within a 36-month
 583 period. However, a person may elect to pay \$30 to the clerk of
 584 ~~the court, in which case adjudication is withheld, and no points~~

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585 ~~are assessed under s. 322.27. Upon receipt of the fine, the~~
586 ~~clerk of the court must retain \$5 for administrative purposes~~
587 ~~and must forward the \$25 to the governmental entity that issued~~
588 ~~the citation.~~ Any funds received by a governmental entity for
589 this violation may be used for any lawful purpose related to the
590 operation or maintenance of a toll facility.

591 Section 11. Section 320.061, Florida Statutes, is amended
592 to read:

593 320.061 Unlawful to alter motor vehicle registration
594 certificates, license plates, mobile home stickers, or
595 validation stickers or to obscure license plates; penalty.--

596 (1) No person shall alter the original appearance of any
597 registration license plate, mobile home sticker, validation
598 sticker, or vehicle registration certificate issued for and
599 assigned to any motor vehicle or mobile home, whether by
600 mutilation, alteration, defacement, or change of color or in any
601 other manner. Any person who violates ~~the provisions of this~~
602 subsection commits ~~section is guilty of~~ a misdemeanor of the
603 second degree, punishable as provided in s. 775.082 or s.
604 775.083.

605 (2) (a) No person shall apply or attach any substance,
606 reflective matter, illuminated device, spray, coating, covering,
607 or other material onto or around any license plate that
608 interferes with the legibility, angular visibility, or
609 detectability of any feature or detail on the license plate or
610 interferes with the ability to photograph or otherwise record
611 any feature or detail on the license plate. The advertising,
612 sale, distribution, purchase, or use of any product made for the

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613 purpose of interfering with the legibility, angular visibility,
614 or detectability of any feature or detail on a license plate or
615 interfering with the ability to photograph or otherwise record
616 any feature or detail on a license plate is prohibited. Any
617 person who violates this paragraph commits a misdemeanor of the
618 second degree, punishable as provided in s. 775.082 or s.
619 775.083.

620 (b) If a state or local law enforcement officer having
621 jurisdiction observes that a cover or other device is
622 obstructing the visibility or electronic image recording of a
623 license plate, the officer shall issue a uniform traffic
624 citation and shall confiscate the cover or other device that
625 obstructs the visibility or electronic image recording of the
626 plate. If a state or local law enforcement officer having
627 jurisdiction observes that a license plate has been physically
628 treated with a substance, reflective matter, spray, coating, or
629 other material that is obstructing the visibility or electronic
630 image recording of the plate, the officer shall issue a uniform
631 traffic citation and shall confiscate the plate. The department
632 shall revoke the registration of any plate that has been found
633 by a court to have been physically altered with any chemical or
634 reflective substance or coating that obstructs the visibility or
635 electronic image recording of the plate.

636 (c) The Attorney General may file suit against any
637 individual or entity offering or marketing the sale of,
638 including via the Internet, any product advertised as having the
639 capacity to obstruct the visibility or electronic image
640 recording of a license plate. In addition to injunctive and

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641 monetary relief, punitive damages, and attorney's fees, the suit
 642 shall also seek a full accounting of the records of all sales to
 643 residents of or entities within this state.

644 Section 12. Section 336.044, Florida Statutes, is
 645 renumbered as section 334.70, Florida Statutes, and amended to
 646 read:

647 334.70 ~~336.044~~ Use of recyclable materials in
 648 construction.--

649 (1) It is the intent of the Legislature that the
 650 Department of Transportation continue to expand its current use
 651 of recovered materials in its construction programs.

652 (2) The Legislature declares it to be in the public
 653 interest to find alternative ways to use certain recyclable
 654 materials that currently are part of the solid waste stream and
 655 that contribute to problems of declining space in landfills. To
 656 determine the feasibility of using certain recyclable materials
 657 for paving materials, the department may undertake demonstration
 658 projects using the following materials in road construction:

659 (a) Ground rubber from automobile tires in road
 660 resurfacing or subbase materials for roads.†

661 (b) Ash residue from coal combustion byproducts for
 662 concrete and ash residue from waste incineration facilities and
 663 oil combustion byproducts for subbase material.†

664 (c) Recycled mixed-plastic material for guardrail posts or
 665 right-of-way fence posts.†

666 (d) Construction steel, including reinforcing rods and I-
 667 beams, manufactured from scrap metals disposed of in the state.†
 668 and

669 (e) Glass~~7~~ and glass aggregates.

670 (f) Gypsum.

671 (3) The department shall review and revise existing bid
 672 procedures and specifications for the purchase or use of
 673 products and materials to eliminate any procedures and
 674 specifications that explicitly discriminate against products and
 675 materials with recycled content, except where such procedures
 676 and specifications are necessary to protect the health, safety,
 677 and welfare of the people of this state.

678 (4) The department shall review and revise its bid
 679 procedures and specifications on a continuing basis to encourage
 680 the use of products and materials with recycled content and
 681 shall, in developing new procedures and specifications,
 682 encourage the use of products and materials with recycled
 683 content.

684 (5) All agencies shall cooperate with the department in
 685 carrying out the provisions of this section.

686 Section 13. Subsection (3) is added to section 338.161,
 687 Florida Statutes, to read:

688 338.161 Authority of department to advertise and promote
 689 electronic toll collection.--

690 (3) The department or any toll agency created by statute
 691 is authorized to incur expenses and advertise or promote
 692 electronic toll collection through agreements with any private
 693 or public entity that provides for additional uses of its
 694 electronic toll collection products and services on or off the
 695 turnpike or toll system, provided that the department or toll

696 agency has determined it can increase nontoll revenues or add
 697 convenience or other value for its customers.

698 Section 14. Paragraph (b) of subsection (3) of section
 699 338.2216, Florida Statutes, is amended to read:

700 338.2216 Florida Turnpike Enterprise; powers and
 701 authority.--

702 (3)

703 (b) Notwithstanding the provisions of s. 216.301 to the
 704 contrary and in accordance with s. 216.351, the Executive Office
 705 of the Governor shall, on July 1 of each year, certify forward
 706 all unexpended funds appropriated or provided pursuant to this
 707 section for the turnpike enterprise. Of the unexpended funds
 708 certified forward, any unencumbered amounts shall be carried
 709 forward. Such funds carried forward shall not exceed 5 percent
 710 of the total operating budget of the turnpike enterprise. Funds
 711 carried forward pursuant to this section may be used for any
 712 lawful purpose, including, but not limited to, promotional and
 713 market activities, technology, and training. Any certified
 714 forward funds remaining undisbursed on September 30 ~~December 31~~
 715 of each year shall be carried forward.

716 Section 15. Subsection (1) of section 338.2275, Florida
 717 Statutes, is amended to read:

718 338.2275 Approved turnpike projects.--

719 (1) Legislative approval of the department's tentative
 720 work program that contains the turnpike project constitutes
 721 approval to issue bonds as required by s. 11(f), Art. VII of the
 722 State Constitution. No more than \$6 billion of bonds may be
 723 outstanding to fund approved turnpike projects. ~~Turnpike~~

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724 ~~projects approved to be included in future tentative work~~
725 ~~programs include, but are not limited to, projects contained in~~
726 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
727 ~~of bonds may be issued to fund approved turnpike projects.~~

728 Section 16. Paragraphs (e) and (f) are added to subsection
729 (1) of section 339.175, Florida Statutes, and paragraphs (a) and
730 (b) of subsection (2), paragraphs (a) and (b) of subsection (3),
731 and subsections (5) and (12) of that section are amended, to
732 read:

733 339.175 Metropolitan planning organization.--It is the
734 intent of the Legislature to encourage and promote the safe and
735 efficient management, operation, and development of surface
736 transportation systems that will serve the mobility needs of
737 people and freight within and through urbanized areas of this
738 state while minimizing transportation-related fuel consumption
739 and air pollution. To accomplish these objectives, metropolitan
740 planning organizations, referred to in this section as M.P.O.'s,
741 shall develop, in cooperation with the state and public transit
742 operators, transportation plans and programs for metropolitan
743 areas. The plans and programs for each metropolitan area must
744 provide for the development and integrated management and
745 operation of transportation systems and facilities, including
746 pedestrian walkways and bicycle transportation facilities that
747 will function as an intermodal transportation system for the
748 metropolitan area, based upon the prevailing principles provided
749 in s. 334.046(1). The process for developing such plans and
750 programs shall provide for consideration of all modes of
751 transportation and shall be continuing, cooperative, and

752 comprehensive, to the degree appropriate, based on the
 753 complexity of the transportation problems to be addressed. To
 754 ensure that the process is integrated with the statewide
 755 planning process, M.P.O.'s shall develop plans and programs that
 756 identify transportation facilities that should function as an
 757 integrated metropolitan transportation system, giving emphasis
 758 to facilities that serve important national, state, and regional
 759 transportation functions. For the purposes of this section,
 760 those facilities include the facilities on the Strategic
 761 Intermodal System designated under s. 339.63 and facilities for
 762 which projects have been identified pursuant to s. 339.2819(4).

763 (1) DESIGNATION.--

764 (e) An M.P.O. is a public body corporate and politic. The
 765 members of the governing body shall be the members of the
 766 agency, but such members constitute the head of a legal entity
 767 separate, distinct, and independent from the governing body of
 768 any county, municipality, or other entity that is an entity
 769 represented on the M.P.O. or a signatory to the interlocal
 770 agreement creating the M.P.O. Upon execution of a new interlocal
 771 agreement by the governmental entities constituting the M.P.O.
 772 after redesignation or reapportionment, the new M.P.O. is
 773 subject to all of the responsibilities and liabilities imposed
 774 or incurred by the existing agency.

775 (f) The governing body of the M.P.O. shall designate, at
 776 minimum, a chair, vice chair, and agency clerk. The chair and
 777 vice chair shall be selected from among the members of the
 778 governing board. The agency clerk shall be a member of the
 779 governing board, an employee of the M.P.O., or another natural

780 person and shall be charged with the responsibility of preparing
781 meeting minutes and maintaining agency records.

782

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

785 (2) VOTING MEMBERSHIP.--

786 (a) The voting membership of an M.P.O. shall consist of
787 not fewer than 5 or more than 19 apportioned members, the exact
788 number to be determined on an equitable geographic-population
789 ratio basis by the Governor, based on an agreement among the
790 affected units of general-purpose local government as required
791 by federal rules and regulations. The Governor, in accordance
792 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
793 represent municipalities to alternate with representatives from
794 other municipalities within the metropolitan planning area that
795 do not have members on the M.P.O. County commission members
796 shall compose not less than one-third of the M.P.O. membership,
797 except for an M.P.O. with more than 15 members located in a
798 county with a 5-member ~~five-member~~ county commission or an
799 M.P.O. with 19 members located in a county with no more than 6
800 county commissioners, in which case county commission members
801 may compose less than one-third percent of the M.P.O.
802 membership, but all county commissioners must be members. All
803 voting members shall be elected officials of general-purpose
804 local governments, except that an M.P.O. may include, as part of
805 its apportioned voting members, a member of a statutorily
806 authorized planning board, an official of an agency that
807 operates or administers a major mode of transportation, or an

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808 official of the Florida Space Authority. As used in this
 809 section, elected officials of a general-purpose local government
 810 shall exclude constitutional or charter officers, including
 811 sheriffs, tax collectors, supervisors of elections, property
 812 appraisers, clerks of the court, and similar types of officials.
 813 County commissioners ~~The county commission~~ shall compose not
 814 less than 20 percent of the M.P.O. membership if an official of
 815 an agency that operates or administers a major mode of
 816 transportation has been appointed to an M.P.O.

817 (b) In metropolitan areas in which authorities or other
 818 agencies have been or may be created by law to perform
 819 transportation functions and are performing transportation
 820 functions that are not under the jurisdiction of a general-
 821 purpose ~~general-purpose~~ local government represented on the
 822 M.P.O., they shall be provided voting membership on the M.P.O.
 823 In all other M.P.O.'s where transportation authorities or
 824 agencies are to be represented by elected officials from
 825 general-purpose ~~general-purpose~~ local governments, the M.P.O.
 826 shall establish a process by which the collective interests of
 827 such authorities or other agencies are expressed and conveyed.

828 (3) APPORTIONMENT.--

829 (a) The Governor shall, with the agreement of the affected
 830 units of general-purpose local government as required by federal
 831 rules and regulations, apportion the membership on the
 832 applicable M.P.O. among the various governmental entities within
 833 the area. At the request of a majority of the affected units of
 834 general-purpose local government comprising an M.P.O., the
 835 Governor and a majority of units of general-purpose local

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836 governments serving on an M.P.O. and shall cooperatively agree
837 upon and prescribe who may serve as an alternate member and a
838 method for appointing alternate members who may vote at any
839 M.P.O. meeting that an alternate member attends in place of a
840 regular member. The methodology shall be set forth as a part of
841 the interlocal agreement describing the M.P.O.'s membership or
842 in the M.P.O.'s operating procedures and bylaws. An appointed
843 ~~alternate member must be an elected official serving the same~~
844 ~~governmental entity or a general purpose local government with~~
845 ~~jurisdiction within all or part of the area that the regular~~
846 ~~member serves.~~ The governmental entity so designated shall
847 appoint the appropriate number of members to the M.P.O. from
848 eligible officials. Representatives of the department shall
849 serve as nonvoting members of the M.P.O. governing board.
850 Nonvoting advisers may be appointed by the M.P.O. as deemed
851 necessary; however, to the maximum extent feasible, each M.P.O.
852 shall seek to appoint nonvoting representatives of various
853 multimodal forms of transportation not otherwise represented by
854 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
855 advisers representing major military installations upon the
856 request of the major military installations and subject to the
857 agreement of the M.P.O. All nonvoting advisers may attend and
858 participate fully in governing board meetings but shall not vote
859 and shall not be members of the governing board. The Governor
860 shall review the composition of the M.P.O. membership in
861 conjunction with the decennial census as prepared by the United
862 States Department of Commerce, Bureau of the Census, and
863 reapportion it as necessary to comply with subsection (2).

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864 (b) Except for members who represent municipalities on the
865 basis of alternating with representatives from other
866 municipalities that do not have members on the M.P.O. as
867 provided in paragraph (2)(a), the members of an M.P.O. shall
868 serve 4-year terms. Members who represent municipalities on the
869 basis of alternating with representatives from other
870 municipalities that do not have members on the M.P.O. as
871 provided in paragraph (2)(a) may serve terms of up to 4 years as
872 further provided in the interlocal agreement described in
873 paragraph (1)(b). The membership of a member who is a public
874 official automatically terminates upon the member's leaving his
875 or her elective or appointive office for any reason, or may be
876 terminated by a majority vote of the total membership of the
877 entity's governing board ~~a county or city governing entity~~
878 represented by the member. A vacancy shall be filled by the
879 original appointing entity. A member may be reappointed for one
880 or more additional 4-year terms.

881 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
882 privileges, and authority of an M.P.O. are those specified in
883 this section or incorporated in an interlocal agreement
884 authorized under s. 163.01. Each M.P.O. shall perform all acts
885 required by federal or state laws or rules, now and subsequently
886 applicable, which are necessary to qualify for federal aid. It
887 is the intent of this section that each M.P.O. shall be involved
888 in the planning and programming of transportation facilities,
889 including, but not limited to, airports, intercity and high-
890 speed rail lines, seaports, and intermodal facilities, to the
891 extent permitted by state or federal law.

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

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

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

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

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

904 1. Support the economic vitality of the metropolitan area,
905 especially by enabling global competitiveness, productivity, and
906 efficiency;

907 2. Increase the safety and security of the transportation
908 system for motorized and nonmotorized users;

909 3. Increase the accessibility and mobility options
910 available to people and for freight;

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

913 5. Enhance the integration and connectivity of the
914 transportation system, across and between modes, for people and
915 freight;

916 6. Promote efficient system management and operation; and

917 7. Emphasize the preservation of the existing
918 transportation system.

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

922 1. Prepare a congestion management system for the
 923 metropolitan area and cooperate with the department in the
 924 development of all other transportation management systems
 925 required by state or federal law;

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

928 3. Assist the department in performing its duties relating
 929 to access management, functional classification of roads, and
 930 data collection;

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

933 5. Represent all the jurisdictional areas within the
 934 metropolitan area in the formulation of transportation plans and
 935 programs required by this section; and

936 6. Perform all other duties required by state or federal
 937 law.

938 (d) Each M.P.O. shall appoint a technical advisory
 939 committee that includes planners; engineers; representatives of
 940 local aviation authorities, port authorities, and public transit
 941 authorities or representatives of aviation departments, seaport
 942 departments, and public transit departments of municipal or
 943 county governments, as applicable; the school superintendent of
 944 each county within the jurisdiction of the M.P.O. or the
 945 superintendent's designee; and other appropriate representatives
 946 of affected local governments. In addition to any other duties

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947 assigned to it by the M.P.O. or by state or federal law, the
948 technical advisory committee is responsible for considering safe
949 access to schools in its review of transportation project
950 priorities, long-range transportation plans, and transportation
951 improvement programs, and shall advise the M.P.O. on such
952 matters. In addition, the technical advisory committee shall
953 coordinate its actions with local school boards and other local
954 programs and organizations within the metropolitan area which
955 participate in school safety activities, such as locally
956 established community traffic safety teams. Local school boards
957 must provide the appropriate M.P.O. with information concerning
958 future school sites and in the coordination of transportation
959 service.

960 (e)1. Each M.P.O. shall appoint a citizens' advisory
961 committee, the members of which serve at the pleasure of the
962 M.P.O. The membership on the citizens' advisory committee must
963 reflect a broad cross section of local residents with an
964 interest in the development of an efficient, safe, and cost-
965 effective transportation system. Minorities, the elderly, and
966 the handicapped must be adequately represented.

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

972 (f) The department shall allocate to each M.P.O., for the
973 purpose of accomplishing its transportation planning and

974 programming duties, an appropriate amount of federal
 975 transportation planning funds.

976 (g) Each M.P.O. shall have an executive or staff director,
 977 who reports directly to the M.P.O. governing board for all
 978 matters regarding the administration and operation of the
 979 M.P.O., and any additional personnel as deemed necessary. The
 980 executive director and any additional personnel may be employed
 981 either by an M.P.O. or by another governmental entity, such as a
 982 county, city, or regional planning council, that has a signed
 983 staff services agreement in effect with the M.P.O. In addition,
 984 an M.P.O. ~~may employ personnel or~~ may enter into contracts with
 985 local or state governmental agencies, private planning or
 986 engineering firms, or other private engineering firms to
 987 accomplish its transportation planning and programming duties
 988 and administrative functions required by state or federal law.

989 (h) Each M.P.O. shall provide training opportunities for
 990 local elected officials and others who serve on an M.P.O. in
 991 order to enhance their knowledge, effectiveness, and
 992 participation in the urbanized area transportation planning
 993 process. The training opportunities may be conducted by an
 994 individual M.P.O. or through statewide and federal training
 995 programs and initiatives that are specifically designed to meet
 996 the needs of M.P.O. board members.

997 (i) In addition to the powers set forth in this section,
 998 M.P.O.'s shall have the powers set forth in this paragraph. The
 999 enumeration of the following powers is not intended to be an
 1000 exhaustive list of all M.P.O. powers:

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1001 1. To grant, sell, hold, donate, dedicate, or lease or
1002 otherwise convey title, easements, or use rights in real
1003 property, including tax-reverted real property, title to which
1004 is in such public agency or separate legal entity, to any other
1005 public agency or separate legal entity created under interlocal
1006 agreement. Real property and interests in real property granted
1007 or conveyed to an M.P.O. shall be for a public purpose that may
1008 not necessarily be contemplated in the interlocal agreement.

1009 2. To appropriate funds and sell, give, or otherwise
1010 supply personnel, services, facilities, property, franchises, or
1011 funds thereof to any party designated to operate the joint or
1012 cooperative undertaking.

1013 3. To receive grants-in-aid or other assistance funds from
1014 the Federal Government or this state for use in carrying out
1015 transportation-related purposes.

1016 4. To have all of the privileges and immunities from
1017 liability as set forth in the State Constitution, s. 768.28, and
1018 otherwise and to have exemptions from laws, ordinances, and
1019 rules applicable to public agencies of the state. An M.P.O.
1020 shall ascertain whether, as a separate and distinct body politic
1021 and corporate entity, it should purchase separate public
1022 liability or workers' compensation insurance.

1023 5. To have and provide pensions and relief, disability
1024 benefits, workers' compensation, employee salary compensation
1025 and reimbursement, and other benefits which apply to the
1026 activity of its officers or employees when performing their
1027 respective functions.

1028 6. To employ agencies or employees.

1029 7. To acquire, construct, manage, maintain, or operate
 1030 buildings, works, or improvements.

1031 8. To incur debts, liabilities, or obligations that do not
 1032 constitute the debts, liabilities, or obligations of any of the
 1033 parties to the agreement unless specifically and in writing
 1034 assumed by any of the parties to the interlocal agreement
 1035 creating the M.P.O.

1036 9. To appoint a legal counsel or legal staff of its
 1037 choice. If the legal counsel is also an attorney for an entity
 1038 that is a member of the M.P.O., both the M.P.O. governing board
 1039 and the member entity's governing body shall waive any potential
 1040 for ethical conflict.

1041 10. In addition to its other powers as set forth in this
 1042 section and in s. 163.01, to have such powers as are provided
 1043 for under federal law or federal administrative rules.

1044 (j)~~(h)~~ A chair's coordinating committee is created,
 1045 composed of the M.P.O.'s serving Hernando, Hillsborough,
 1046 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 1047 committee must, at a minimum:

1048 1. Coordinate transportation projects deemed to be
 1049 regionally significant by the committee.

1050 2. Review the impact of regionally significant land use
 1051 decisions on the region.

1052 3. Review all proposed regionally significant
 1053 transportation projects in the respective transportation
 1054 improvement programs which affect more than one of the M.P.O.'s
 1055 represented on the committee.

1056 4. Institute a conflict resolution process to address any
 1057 conflict that may arise in the planning and programming of such
 1058 regionally significant projects.

1059 (k)~~(i)~~1. The Legislature finds that the state's rapid
 1060 growth in recent decades has caused many urbanized areas subject
 1061 to M.P.O. jurisdiction to become contiguous to each other. As a
 1062 result, various transportation projects may cross from the
 1063 jurisdiction of one M.P.O. into the jurisdiction of another
 1064 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 1065 have been mandated, M.P.O.'s shall develop coordination
 1066 mechanisms with one another to expand and improve transportation
 1067 within the state. The appropriate method of coordination between
 1068 M.P.O.'s shall vary depending upon the project involved and
 1069 given local and regional needs. Consequently, it is appropriate
 1070 to set forth a flexible methodology that can be used by M.P.O.'s
 1071 to coordinate with other M.P.O.'s and appropriate political
 1072 subdivisions as circumstances demand.

1073 2. Any M.P.O. may join with any other M.P.O. or any
 1074 individual political subdivision to coordinate activities or to
 1075 achieve any federal or state transportation planning or
 1076 development goals or purposes consistent with federal or state
 1077 law. When an M.P.O. determines that it is appropriate to join
 1078 with another M.P.O. or any political subdivision to coordinate
 1079 activities, the M.P.O. or political subdivision shall enter into
 1080 an interlocal agreement pursuant to s. 163.01, which, at a
 1081 minimum, creates a separate legal or administrative entity to
 1082 coordinate the transportation planning or development activities
 1083 required to achieve the goal or purpose; provides ~~provide~~ the

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1084 purpose for which the entity is created; provides ~~provide~~ the
1085 duration of the agreement and the entity, and specifies ~~specify~~
1086 how the agreement may be terminated, modified, or rescinded;
1087 describes ~~describe~~ the precise organization of the entity,
1088 including who has voting rights on the governing board, whether
1089 alternative voting members are provided for, how voting members
1090 are appointed, and what the relative voting strength is for each
1091 constituent M.P.O. or political subdivision; provides ~~provide~~
1092 the manner in which the parties to the agreement will provide
1093 for the financial support of the entity and payment of costs and
1094 expenses of the entity; provides ~~provide~~ the manner in which
1095 funds may be paid to and disbursed from the entity; and provides
1096 ~~provide~~ how members of the entity will resolve disagreements
1097 regarding interpretation of the interlocal agreement or disputes
1098 relating to the operation of the entity. Such interlocal
1099 agreement shall become effective upon its recordation in the
1100 official public records of each county in which a member of the
1101 entity created by the interlocal agreement has a voting member.
1102 This paragraph does not require any M.P.O.'s to merge, combine,
1103 or otherwise join together as a single M.P.O.

1104 3. Each M.P.O. located within an urbanized area consisting
1105 of more than one M.P.O., or located in an urbanized area that is
1106 immediately adjacent to an M.P.O. serving a different urbanized
1107 area, shall coordinate with other M.P.O.'s in the urbanized area
1108 or the contiguous and adjacent M.P.O.'s to develop a report
1109 demonstrating how a coordinated transportation planning process
1110 is being developed and the results of the coordinated planning
1111 process. The report should include the progress on implementing

1112 a coordinated long-range transportation plan covering the
 1113 combined metropolitan planning area that serves as the basis for
 1114 the transportation improvement program of each M.P.O., separate
 1115 and coordinated long-range transportation plans for the affected
 1116 M.P.O.'s, a coordinated priority process for regional projects,
 1117 and a regional public involvement process. The report shall be
 1118 submitted to members of the M.P.O.'s local legislative
 1119 delegation by no later than February of each even-numbered year
 1120 and may be submitted as a joint report by two or more M.P.O.'s
 1121 or separate coordinated reports by individual M.P.O.'s.

1122 (12) VOTING REQUIREMENTS.--Each long-range transportation
 1123 plan required pursuant to subsection (6), each annually updated
 1124 Transportation Improvement Program required under subsection
 1125 (7), and each amendment that affects projects in the first 3
 1126 years of such plans and programs must be approved by each M.P.O.
 1127 on a supermajority ~~recorded~~ roll call vote or hand-counted vote
 1128 of a majority plus one of the membership present.

1129 Section 17. Paragraph (h) of subsection (2) of section
 1130 20.23, Florida Statutes, is amended to read:

1131 20.23 Department of Transportation.--There is created a
 1132 Department of Transportation which shall be a decentralized
 1133 agency.

1134 (2)

1135 (h) The commission shall appoint an executive director and
 1136 assistant executive director, who shall serve under the
 1137 direction, supervision, and control of the commission. The
 1138 executive director, with the consent of the commission, shall
 1139 employ such staff as are necessary to perform adequately the

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1140 functions of the commission, within budgetary limitations. All
1141 employees of the commission are exempt from part II of chapter
1142 110 and shall serve at the pleasure of the commission. The
1143 salaries and benefits of all employees of the commission, except
1144 for the executive director, shall be set in accordance with the
1145 Selected Exempt Service; ~~provided~~, however, ~~that~~ the salary and
1146 benefits of the executive director shall be set in accordance
1147 with the Senior Management Service. The commission shall have
1148 complete authority for fixing the salary of the executive
1149 director and assistant executive director.

1150 Section 18. Paragraph (c) of subsection (6) of section
1151 332.007, Florida Statutes, is amended to read:

1152 332.007 Administration and financing of aviation and
1153 airport programs and projects; state plan.--

1154 (6) Subject to the availability of appropriated funds, the
1155 department may participate in the capital cost of eligible
1156 public airport and aviation development projects in accordance
1157 with the following rates, unless otherwise provided in the
1158 General Appropriations Act or the substantive bill implementing
1159 the General Appropriations Act:

1160 (c) When federal funds are not available, the department
1161 may fund up to 80 percent of master planning and eligible
1162 aviation development projects at publicly owned, publicly
1163 operated airports. If federal funds are available but
1164 insufficient to meet the maximum authorized federal share, the
1165 department may fund up to 80 percent of the nonfederal share of
1166 such projects. Such funding is limited to airports that have no
1167 scheduled commercial service.

1168 Section 19. Part X of chapter 348, Florida Statutes, is
 1169 redesignated as part XI, and a new part X, consisting of
 1170 sections 348.9801, 348.9802, 348.9803, 348.9804, 348.9805,
 1171 348.9806, 348.9807, 348.9808, 348.9809, 348.9811, 348.9812,
 1172 348.9813, 348.9814, 348.9815, 348.9816, and 348.9817, is added
 1173 to that chapter to read:

1174 PART X

1175 Osceola County Expressway Authority

1176 348.9801 Short title.--This part may be cited as the
 1177 "Osceola County Expressway Authority Law."

1178 348.9802 Definitions.--The following terms, whenever used
 1179 or referred to in this part, shall have the following meanings,
 1180 except in those instances where the context clearly indicates
 1181 otherwise:

1182 (1) "Agency of the state" means and includes the state and
 1183 any department of, or corporation, agency, or instrumentality
 1184 heretofore or hereafter created, designated, or established by,
 1185 the state.

1186 (2) "Authority" means the body politic and corporate and
 1187 agency of the state created by this part.

1188 (3) "Bonds" means and includes the notes, bonds, refunding
 1189 bonds, or other evidences of indebtedness or obligations, in
 1190 either temporary or definitive form, which the authority is
 1191 authorized to issue pursuant to this part.

1192 (4) "County" means Osceola County.

1193 (5) "Department" means the Department of Transportation.

1194 (6) "Expressway" is the same as limited access expressway.

1195 (7) "Federal agency" means and includes the United States,

1196 the President of the United States, and any department of or
 1197 corporation, agency, or instrumentality heretofore or hereafter
 1198 created, designated, or established by the United States.

1199 (8) "Lease-purchase agreement" means the lease-purchase
 1200 agreements which the authority is authorized pursuant to this
 1201 part to enter into with the department.

1202 (9) "Limited access expressway" means a street or highway
 1203 especially designed for through traffic and over, from, or to
 1204 which no person shall have the right of easement, use, or access
 1205 except in accordance with the rules and regulations promulgated
 1206 and established by the authority for the use of such facility.
 1207 Such highways or streets may be parkways from which trucks,
 1208 buses, and other commercial vehicles shall be excluded or they
 1209 may be freeways open to use by all customary forms of street and
 1210 highway traffic.

1211 (10) "Members" means the governing body of the authority,
 1212 and the term "member" means one of the individuals constituting
 1213 such governing body.

1214 (11) "Osceola County gasoline tax funds" means all of the
 1215 80-percent surplus gasoline tax funds accruing in each year to
 1216 the department for use in Osceola County under the provisions of
 1217 s. 9, Art. XII of the State Constitution after deduction only of
 1218 any amounts of said gasoline tax funds heretofore pledged by the
 1219 department or the county for outstanding obligations.

1220 (12) "Osceola County Expressway System" means any and all
 1221 expressways and appurtenant facilities thereto, including, but
 1222 not limited to, all approaches, roads, bridges, and avenues of
 1223 access for said expressways that are either built by the

1224 authority or whose ownership is transferred to the authority by
 1225 other governmental or private entities.

1226 (13) "State Board of Administration" means the body
 1227 corporate existing under the provisions of s. 9, Art. XII of the
 1228 State Constitution or any successor thereto.

1229 348.9803 Osceola County Expressway Authority.--

1230 (1) There is hereby created and established a body politic
 1231 and corporate, an agency of the state, to be known as the
 1232 Osceola County Expressway Authority, hereinafter referred to as
 1233 "authority."

1234 (2) (a) The governing body of the authority shall consist
 1235 of six members. Three members shall be citizens of Osceola
 1236 County, who shall be appointed by the governing body of the
 1237 county. Two members shall be citizens of Osceola County
 1238 appointed by the Governor. The term of each appointed member
 1239 shall be for 4 years. However, the members appointed by the
 1240 Governor for the first time shall serve a term of 2 years. Each
 1241 appointed member shall hold office until his or her successor
 1242 has been appointed and has qualified. A vacancy occurring during
 1243 a term shall be filled only for the balance of the unexpired
 1244 term. Each appointed member of the authority shall be a person
 1245 of outstanding reputation for integrity, responsibility, and
 1246 business ability, but no person who is an officer or employee of
 1247 any city or of Osceola County in any other capacity shall be an
 1248 appointed member of the authority. A member of the authority
 1249 shall be eligible for reappointment.

1250 (b) Members of the authority may be removed from office by
 1251 the Governor for misconduct, malfeasance, or nonfeasance in

1252 office.

1253 (c) The district secretary of the department serving in
 1254 the district that includes Osceola County shall serve as an ex
 1255 officio, nonvoting member.

1256 (3) (a) The authority shall elect one of its members as
 1257 chair of the authority. The authority shall also elect a
 1258 secretary and a treasurer who may or may not be members of the
 1259 authority. The chair, secretary, and treasurer shall hold such
 1260 offices at the will of the authority.

1261 (b) Four members of the authority shall constitute a
 1262 quorum, and the vote of three members shall be necessary for any
 1263 action taken by the authority. No vacancy in the authority shall
 1264 impair the right of a quorum of the authority to exercise all of
 1265 the rights and perform all of the duties of the authority.

1266 (4) (a) The authority may employ an executive secretary, an
 1267 executive director, its own counsel and legal staff, technical
 1268 experts, such engineers, and such employees, permanent or
 1269 temporary, as it may require; may determine the qualifications
 1270 and fix the compensation of such persons, firms, or
 1271 corporations; and may employ a fiscal agent or agents. However,
 1272 the authority shall solicit sealed proposals from at least three
 1273 persons, firms, or corporations for the performance of any
 1274 services as fiscal agents. The authority may delegate to one or
 1275 more of its agents or employees such of its power as it shall
 1276 deem necessary to carry out the purposes of this part, subject
 1277 always to the supervision and control of the authority.

1278 (b) Members of the authority shall be entitled to receive
 1279 from the authority their travel and other necessary expenses

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1280 incurred in connection with the business of the authority as
 1281 provided in s. 112.061, but they shall draw no salaries or other
 1282 compensation.

1283 348.9804 Purposes and powers.--

1284 (1) (a) The authority created and established by the
 1285 provisions of this part is hereby granted and shall have the
 1286 right to acquire, hold, construct, improve, maintain, operate,
 1287 own, and lease in the capacity of lessor the Osceola County
 1288 Expressway System, hereinafter referred to as "system."

1289 (b) It is the express intention of this part that the
 1290 authority, in the construction of the Osceola County Expressway
 1291 System, shall be authorized to construct any extensions,
 1292 additions, or improvements to the system or appurtenant
 1293 facilities, including all necessary approaches, roads, bridges,
 1294 and avenues of access with such changes, modifications, or
 1295 revisions of the project as shall be deemed desirable and
 1296 proper.

1297 (2) The authority is hereby granted and shall have and may
 1298 exercise all powers necessary, appurtenant, convenient, or
 1299 incidental to the carrying out of its purposes, including, but
 1300 not limited to, the following rights and powers:

1301 (a) To sue and be sued, implead and be impleaded, and
 1302 complain and defend in all courts.

1303 (b) To adopt, use, and alter at will a corporate seal.

1304 (c) To acquire by donation or otherwise, purchase, hold,
 1305 lease as lessee, and use any franchise or property, real,
 1306 personal, or mixed, tangible or intangible, or any options
 1307 thereof, in its own name or in conjunction with others, or

1308 interest therein, necessary or desirable for carrying out the
 1309 purposes of the authority, and to sell, lease as lessor,
 1310 transfer, and dispose of any property or interest therein at any
 1311 time acquired by it.

1312 (d) To enter into and make leases for terms not exceeding
 1313 40 years as either lessee or lessor in order to carry out the
 1314 right to lease as set forth in this part.

1315 (e) To enter into and make lease-purchase agreements with
 1316 the department for terms not exceeding 40 years or until any
 1317 bonds secured by a pledge of rentals thereunder and any
 1318 refundings thereof are fully paid as to both principal and
 1319 interest, whichever is longer.

1320 (f) To fix, alter, charge, establish, and collect rates,
 1321 fees, rentals, and other charges for the services and facilities
 1322 of the Osceola County Expressway System, which rates, fees,
 1323 rentals, and other charges shall always be sufficient to comply
 1324 with any covenants made with the holders of any bonds issued
 1325 pursuant to this part; however, such right and power may be
 1326 assigned or delegated by the authority to the department.

1327 (g) To borrow money and make and issue negotiable notes,
 1328 bonds, refunding bonds, and other evidences of indebtedness or
 1329 obligations, either in temporary or definitive form, in this
 1330 part sometimes called "bonds" of the authority, for the purpose
 1331 of financing all or part of the improvement or extension of the
 1332 Osceola County Expressway System and appurtenant facilities,
 1333 including all approaches, streets, roads, bridges, and avenues
 1334 of access for the Osceola County Expressway System and for any
 1335 other purpose authorized by this part, said bonds to mature in

1336 not exceeding 40 years after the date of the issuance thereof,
 1337 and to secure the payment of such bonds or any part thereof by a
 1338 pledge of any or all of its revenues, rates, fees, rentals, or
 1339 other charges, including all or any portion of the Osceola
 1340 County gasoline tax funds received by the authority pursuant to
 1341 the terms of any lease-purchase agreement between the authority
 1342 and the department; and, in general, to provide for the security
 1343 of the bonds and the rights and remedies of the holders thereof.
 1344 However, no portion of the Osceola County gasoline tax funds
 1345 shall be pledged for the construction of any project for which a
 1346 toll is to be charged unless the anticipated tolls are
 1347 reasonably estimated by the board of county commissioners, at
 1348 the date of its resolution pledging said funds, to be sufficient
 1349 to cover the principal and interest of such obligations during
 1350 the period when said pledge of funds shall be in effect.

1351 1. The authority shall reimburse Osceola County for any
 1352 sums expended from said gasoline tax funds used for the payment
 1353 of such obligations. Any gasoline tax funds so disbursed shall
 1354 be repaid when the authority deems it practicable, together with
 1355 interest at the highest rate applicable to any obligations of
 1356 the authority.

1357 2. If the authority determines to fund or refund any bonds
 1358 theretofore issued by the authority or by the board of county
 1359 commissioners as aforesaid prior to the maturity thereof, the
 1360 proceeds of the funding or refunding bonds shall, pending the
 1361 prior redemption of the bonds to be funded or refunded, be
 1362 invested in direct obligations of the United States. It is the
 1363 express intention of this part that such outstanding bonds may

1364 be funded or refunded by the issuance of bonds pursuant to this
 1365 part.

1366 (h) To make contracts of every name and nature, including,
 1367 but not limited to, partnerships providing for participation in
 1368 ownership and revenues, and to execute all instruments necessary
 1369 or convenient for the carrying on of its business.

1370 (i) Without limitation of the foregoing, to borrow money
 1371 and accept grants from and to enter into contracts, leases, or
 1372 other transactions with any federal agency, the state, any
 1373 agency of the state, Osceola County, or with any other public
 1374 body of the state.

1375 (j) To have the power of eminent domain, including the
 1376 procedural powers granted under chapters 73 and 74.

1377 (k) To pledge, hypothecate, or otherwise encumber all or
 1378 any part of the revenues, rates, fees, rentals, or other charges
 1379 or receipts of the authority, including all or any portion of
 1380 the Osceola County gasoline tax funds received by the authority
 1381 pursuant to the terms of any lease-purchase agreement between
 1382 the authority and the department, as security for all or any of
 1383 the obligations of the authority.

1384 (l) To enter into partnership and other agreements
 1385 respecting ownership and revenue participation in order to
 1386 facilitate financing and constructing any project or portions
 1387 thereof.

1388 (m) To participate in developer agreements or to receive
 1389 developer contributions.

1390 (n) To contract with Osceola County for the operation of a
 1391 toll facility within the county.

1392 (o) To do all acts and things necessary or convenient for
 1393 the conduct of its business and the general welfare of the
 1394 authority in order to carry out the powers granted to it by this
 1395 part or any other law.

1396 (p) With the consent of the county within whose
 1397 jurisdiction the following activities occur, to construct,
 1398 operate, and maintain roads, bridges, avenues of access,
 1399 thoroughfares, and boulevards outside the jurisdictional
 1400 boundaries of Osceola County together with the right to
 1401 construct, repair, replace, operate, install, and maintain
 1402 electronic toll payment systems thereon with all necessary and
 1403 incidental powers to accomplish the foregoing.

1404 (3) The authority shall have no power at any time or in
 1405 any manner to pledge the credit or taxing power of the state or
 1406 any political subdivision or agency thereof, including Osceola
 1407 County, nor shall any of the authority's obligations be deemed
 1408 to be obligations of the state or of any political subdivision
 1409 or agency thereof, nor shall the state or any political
 1410 subdivision or agency thereof, except the authority, be liable
 1411 for the payment of the principal of or interest on such
 1412 obligations.

1413 (4) Anything in this part to the contrary notwithstanding,
 1414 acquisition of right-of-way for a project of the authority which
 1415 is within the boundaries of any municipality in Osceola County
 1416 shall not be started unless and until the route of said project
 1417 within said municipality has been given prior approval by the
 1418 governing body of said municipality.

1419 (5) Anything in this part to the contrary notwithstanding,

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1420 acquisition of right-of-way for a project of the authority which
 1421 is within the unincorporated area of Osceola County shall not be
 1422 started unless and until the route of said project within the
 1423 unincorporated area has been given prior approval by the
 1424 governing body of Osceola County.

1425 (6) The authority shall have no power other than by
 1426 consent of Osceola County or any affected city to enter into any
 1427 agreement which would legally prohibit the construction of any
 1428 road by Osceola County or by any municipality within Osceola
 1429 County.

1430 348.9805 Authority for bond financing of
 1431 improvements.--Pursuant to s. 11(f), Art. VII of the State
 1432 Constitution, the Legislature hereby approves for bond financing
 1433 by the Osceola County Expressway Authority improvements to toll
 1434 collection facilities, interchanges to the legislatively
 1435 approved expressway system, and any other facility appurtenant,
 1436 necessary, or incidental to the approved system. Subject to
 1437 terms and conditions of applicable revenue bond resolutions and
 1438 covenants, such costs may be financed in whole or in part by
 1439 revenue bonds issued pursuant to s. 348.9806(1)(a) or (b)
 1440 whether currently issued or issued in the future, or by a
 1441 combination of such bonds.

1442 348.9806 Bonds of the authority.--

1443 (1)(a) Bonds may be issued on behalf of the authority
 1444 pursuant to the State Bond Act.

1445 (b) Alternatively, the authority may issue its own bonds
 1446 pursuant to this part at such times and in such principal amount
 1447 as, in the opinion of the authority, is necessary to provide

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1448 sufficient moneys for achieving its purposes; however, such
 1449 bonds may not pledge the full faith and credit of the state.
 1450 Bonds issued by the authority pursuant to this paragraph or
 1451 paragraph (a), whether on original issuance or on refunding,
 1452 shall be authorized by resolution of the members thereof, may be
 1453 either term or serial bonds, and shall bear such date or dates,
 1454 mature at such time or times, not exceeding 40 years after their
 1455 respective dates, bear interest at such rate or rates, payable
 1456 semiannually, be in such denominations, be in such form, either
 1457 coupon or fully registered, carry such registration,
 1458 exchangeability, and interchangeability privileges, be payable
 1459 in such medium of payment and at such place or places, be
 1460 subject to such terms of redemption, and be entitled to such
 1461 priorities on the revenues, rates, fees, rentals, or other
 1462 charges or receipts of the authority including the Osceola
 1463 County gasoline tax funds received by the authority pursuant to
 1464 the terms of any lease-purchase agreement between the authority
 1465 and the department, as such resolution or any resolution
 1466 subsequent thereto may provide. The bonds shall be executed
 1467 either by manual or facsimile signature by such officers as the
 1468 authority shall determine, provided that such bonds shall bear
 1469 at least one signature which is manually executed thereon, and
 1470 the coupons attached to such bonds shall bear the facsimile
 1471 signature or signatures of such officer or officers as shall be
 1472 designated by the authority and shall have the seal of the
 1473 authority affixed, imprinted, reproduced, or lithographed
 1474 thereon, all as may be prescribed in such resolution or
 1475 resolutions.

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1476 (c) Bonds issued pursuant to paragraph (a) or paragraph
1477 (b) shall be sold at public sale in the same manner provided by
1478 the State Bond Act. However, if the authority shall, by official
1479 action at a public meeting, determine that a negotiated sale of
1480 such bonds is in the best interest of the authority, the
1481 authority may negotiate the sale of such bonds with the
1482 underwriter designated by the authority and the Division of Bond
1483 Finance of the State Board of Administration with respect to
1484 bonds issued pursuant to paragraph (a) or solely the authority
1485 with respect to bonds issued pursuant to paragraph (b). The
1486 authority's determination to negotiate the sale of such bonds
1487 may be based, in part, upon the written advice of the
1488 authority's financial adviser. Pending the preparation of
1489 definitive bonds, interim certificates may be issued to the
1490 purchaser or purchasers of such bonds and may contain such terms
1491 and conditions as the authority may determine.

1492 (d) The authority may issue bonds pursuant to paragraph
1493 (b) to refund any bonds previously issued regardless of whether
1494 the bonds being refunded were issued by the authority pursuant
1495 to this chapter or on behalf of the authority pursuant to the
1496 State Bond Act.

1497 (2) Any such resolution or resolutions authorizing any
1498 bonds hereunder may contain provisions which shall be part of
1499 the contract with the holders of such bonds, as to:

1500 (a) The pledging of all or any part of the revenues,
1501 rates, fees, rentals (including all or any portion of the
1502 Osceola County gasoline tax funds received by the authority
1503 pursuant to the terms of any lease-purchase agreement between

1504 the authority and the department, or any part thereof), or other
 1505 charges or receipts of the authority, derived by the authority,
 1506 from the Osceola County Expressway System.

1507 (b) The completion, improvement, operation, extension,
 1508 maintenance, repair, lease, or lease-purchase agreement of said
 1509 system and the duties of the authority and others, including the
 1510 department, with reference thereto.

1511 (c) Limitations on the purposes to which the proceeds of
 1512 the bonds, then or thereafter to be issued, or of any loan or
 1513 grant by the United States or the state may be applied.

1514 (d) The fixing, charging, establishing, and collecting of
 1515 rates, fees, rentals, or other charges for use of the services
 1516 and facilities of the Osceola County Expressway System or any
 1517 part thereof.

1518 (e) The setting aside of reserves or sinking funds or
 1519 repair and replacement funds and the regulation and disposition
 1520 thereof.

1521 (f) Limitations on the issuance of additional bonds.

1522 (g) The terms and provisions of any lease-purchase
 1523 agreement, deed of trust, or indenture securing the bonds or
 1524 under which the same may be issued.

1525 (h) Any other or additional agreements with the holders of
 1526 the bonds which the authority may deem desirable and proper.

1527 (3) The authority may employ fiscal agents as provided by
 1528 this part or the State Board of Administration may, upon request
 1529 of the authority, act as fiscal agent for the authority in the
 1530 issuance of any bonds which may be issued pursuant to this part.
 1531 The State Board of Administration may, upon request of the

1532 authority, take over the management, control, administration,
 1533 custody, and payment of any or all debt services or funds or
 1534 assets now or hereafter available for any bonds issued pursuant
 1535 to this part. The authority may enter into any deeds of trust,
 1536 indentures, or other agreements with its fiscal agent or with
 1537 any bank or trust company within or without the state as
 1538 security for such bonds and may, under such agreements, sign and
 1539 pledge all or any of the revenues, rates, fees, rentals, or
 1540 other charges or receipts of the authority, including all or any
 1541 portion of the Osceola County gasoline tax funds received by the
 1542 authority pursuant to the terms of any lease-purchase agreement
 1543 between the authority and the department, thereunder. Such deed
 1544 of trust, indenture, or other agreement may contain such
 1545 provisions as are customary in such instruments or, as the
 1546 authority may authorize, including, but without limitation,
 1547 provisions as to:

1548 (a) The completion, improvement, operation, extension,
 1549 maintenance, repair, and lease of or lease-purchase agreement
 1550 relating to the Osceola County Expressway System and the duties
 1551 of the authority and others including the department with
 1552 reference thereto.

1553 (b) The application of funds and the safeguarding of funds
 1554 on hand or on deposit.

1555 (c) The rights and remedies of the trustee and the holders
 1556 of the bonds.

1557 (d) The terms and provisions of the bonds or the
 1558 resolutions authorizing the issuance of same.

1559 (4) Any of the bonds issued pursuant to this part are, and

1560 are hereby declared to be, negotiable instruments and shall have
 1561 all the qualities and incidents of negotiable instruments under
 1562 the law merchant and the negotiable instruments law of the
 1563 state.

1564 (5) Notwithstanding any of the provisions of this part,
 1565 each project, building, or facility which has been financed by
 1566 the issuance of bonds or other evidence of indebtedness under
 1567 this part and any refinancing thereof is hereby approved as
 1568 provided for in s. 11(f), Art. VII of the State Constitution.

1569 348.9807 Remedies of the bondholders.--

1570 (1) The rights and the remedies herein conferred upon or
 1571 granted to the bondholders shall be in addition to and not in
 1572 limitation of any rights and remedies lawfully granted to such
 1573 bondholders by the resolution or resolutions providing for the
 1574 issuance of bonds or by a lease-purchase agreement, deed of
 1575 trust, indenture, or other agreement under which the bonds may
 1576 be issued or secured. If the authority defaults in the payment
 1577 of the principal of or interest on any of the bonds issued
 1578 pursuant to the provisions of this part after such principal of
 1579 or interest on said bonds becomes due, whether at maturity or
 1580 upon call for redemption, or if the department defaults in any
 1581 payments under or covenants made in any lease-purchase agreement
 1582 between the authority and the department and such default
 1583 continues for a period of 30 days or if the authority or the
 1584 department fails or refuses to comply with the provisions of
 1585 this part or any agreement made with or for the benefit of the
 1586 holders of the bonds, the holders of 25 percent in aggregate
 1587 principal amount of the bonds then outstanding shall be entitled

1588 as of right to the appointment of a trustee to represent such
 1589 bondholders for the purposes hereof; provided that such holders
 1590 of 25 percent in aggregate principal amount of the bonds then
 1591 outstanding shall have first given notice to the authority and
 1592 to the department of their intention to appoint a trustee. Such
 1593 notice shall be deemed to have been given if given in writing,
 1594 deposited in a securely sealed postpaid wrapper, mailed at a
 1595 regularly maintained United States post office box or station,
 1596 and addressed, respectively, to the chair of the authority and
 1597 to the Secretary of Transportation at the principal office of
 1598 the department.

1599 (2) Such trustee and any trustee under any deed of trust,
 1600 indenture, or other agreement may and, upon written request of
 1601 the holders of 25 percent or such other percentages as may be
 1602 specified in any deed of trust, indenture, or other agreement
 1603 aforsaid, in principal amount of the bonds then outstanding,
 1604 shall in any court of competent jurisdiction in his, her, or its
 1605 own name:

1606 (a) By mandamus or other suit, action, or proceeding at
 1607 law or in equity, enforce all rights of the bondholders,
 1608 including the right to require the authority to fix, establish,
 1609 maintain, collect, and charge rates, fees, rentals, and other
 1610 charges adequate to carry out any agreement as to or pledge of
 1611 the revenues or receipts of the authority to carry out any other
 1612 covenants and agreements with or for the benefit of the
 1613 bondholders, and to perform its and their duties under this
 1614 part.

1615 (b) By mandamus or other suit, action, or proceeding at

1616 law or in equity, enforce all rights of the bondholders under or
 1617 pursuant to any lease-purchase agreement between the authority
 1618 and the department, including the right to require the
 1619 department to make all rental payments required to be made by it
 1620 under the provisions of any such lease-purchase agreement,
 1621 whether from the Osceola County gasoline tax funds or other
 1622 funds of the department so agreed to be paid, and to require the
 1623 department to carry out any other covenants and agreements with
 1624 or for the benefit of the bondholders and to perform its and
 1625 their duties under this part.

1626 (c) Bring suit upon the bonds.

1627 (d) By action or suit in equity, require the authority or
 1628 the department to account as if it were the trustee of an
 1629 express trust for the bondholders.

1630 (e) By action or suit in equity, enjoin any acts or things
 1631 which may be unlawful or in violation of the rights of the
 1632 bondholders.

1633 (3) Whether or not all bonds have been declared due and
 1634 payable, any trustee, when appointed under this section or
 1635 acting under a deed of trust, indenture, or other agreement,
 1636 shall be entitled as of right to the appointment of a receiver
 1637 who may enter upon and take possession of the Osceola County
 1638 Expressway System or the facilities or any part or parts
 1639 thereof, the rates, fees, rentals, or other revenues, charges,
 1640 or receipts from which are or may be applicable to the payment
 1641 of the bonds so in default, and, subject to and in compliance
 1642 with the provisions of any lease-purchase agreement between the
 1643 authority and the department, operate and maintain the same for

1644 and on behalf and in the name of the authority, the department,
 1645 and the bondholders and collect and receive all rates, fees,
 1646 rentals, and other charges or receipts or revenues arising
 1647 therefrom in the same manner as the authority or the department
 1648 might do, and shall deposit all such moneys in a separate
 1649 account and apply the same in such manner as the court shall
 1650 direct. In any suit, action, or proceeding by the trustee, the
 1651 fees, counsel fees, and expenses of the trustee and said
 1652 receiver, if any, and all costs and disbursements allowed by the
 1653 court shall be a first charge on any rates, fees, rentals, or
 1654 other charges, revenues, or receipts derived from the Osceola
 1655 County Expressway System or the facilities or services or any
 1656 part or parts thereof, including payments under any such lease-
 1657 purchase agreement as aforesaid which said rates, fees, rentals,
 1658 or other charges, revenues, or receipts shall or may be
 1659 applicable to the payment of the bonds so in default. Such
 1660 trustee shall also have and possess all of the powers necessary
 1661 or appropriate for the exercise of any functions specifically
 1662 set forth in this part or incident to the representation of the
 1663 bondholders in the enforcement and protection of their rights.

1664 (4) Nothing in this section or any other section of this
 1665 part shall authorize any receiver appointed pursuant to this
 1666 part for the purpose, subject to and in compliance with the
 1667 provisions of any lease-purchase agreement between the authority
 1668 and the department, of operating and maintaining the Osceola
 1669 County Expressway System or any facilities or part or parts
 1670 thereof to sell, assign, mortgage, or otherwise dispose of any
 1671 of the assets of whatever kind and character belonging to the

1672 authority. It is the intention of this part to limit the powers
 1673 of such receiver, subject to and in compliance with the
 1674 provisions of any lease-purchase agreement between the authority
 1675 and the department, to the operation and maintenance of the
 1676 Osceola County Expressway System or any facility or part or
 1677 parts thereof, as the court may direct, in the name and for and
 1678 on behalf of the authority, the department, and the bondholders.
 1679 No holder of bonds on the authority nor any trustee shall ever
 1680 have the right in any suit, action, or proceeding at law or in
 1681 equity to compel a receiver, nor shall any receiver be
 1682 authorized or any court be empowered to direct the receiver, to
 1683 sell, assign, mortgage, or otherwise dispose of any assets of
 1684 whatever kind or character belonging to the authority.

1685 348.9808 Lease-purchase agreement.--

1686 (1) In order to effectuate the purposes of this part and
 1687 as authorized by this part, the authority may enter into a
 1688 lease-purchase agreement with the department relating to and
 1689 covering the Osceola County Expressway System.

1690 (2) Such lease-purchase agreement shall provide for the
 1691 leasing of the Osceola County Expressway System by the authority
 1692 as lessor to the department as lessee, shall prescribe the term
 1693 of such lease and the rentals to be paid thereunder, and shall
 1694 provide that, upon the completion of the faithful performance
 1695 thereunder and the termination of such lease-purchase agreement,
 1696 title in fee simple absolute to the Osceola County Expressway
 1697 System as then constituted shall be transferred in accordance
 1698 with law by the authority to the state and the authority shall
 1699 deliver to the department such deeds and conveyances as shall be

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1700 necessary or convenient to vest title in fee simple absolute in
 1701 the state.

1702 (3) Such lease-purchase agreement may include such other
 1703 provisions, agreements, and covenants as the authority and the
 1704 department deem advisable or required, including, but not
 1705 limited to, provisions as to the bonds to be issued under and
 1706 for the purposes of this part; the completion, extension,
 1707 improvement, operation, and maintenance of the Osceola County
 1708 Expressway System; the expenses and the cost of operation of
 1709 said authority; the charging and collection of tolls, rates,
 1710 fees, and other charges for the use of the services and
 1711 facilities thereof; the application of federal or state grants
 1712 or aid which may be made or given to assist the authority in the
 1713 completion, extension, improvement, operation, and maintenance
 1714 of the Orlando Expressway System which the authority is hereby
 1715 authorized to accept and apply to such purposes; the enforcement
 1716 of payment and collection of rentals; and any other terms,
 1717 provisions, or covenants necessary, incidental, or appurtenant
 1718 to the making of and full performance under such lease-purchase
 1719 agreement.

1720 (4) The department as lessee under such lease-purchase
 1721 agreement is hereby authorized to pay as rentals thereunder any
 1722 rates, fees, charges, funds, moneys, receipts, or income
 1723 accruing to the department from the operation of the Osceola
 1724 County Expressway System and the Osceola County gasoline tax
 1725 funds and may also pay as rentals any appropriations received by
 1726 the department pursuant to any act of the Legislature heretofore
 1727 or hereafter enacted. However, nothing herein nor in such lease-

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1728 purchase agreement is intended to nor shall this part or such
 1729 lease-purchase agreement require the making or continuance of
 1730 such appropriations nor shall any holder of bonds issued
 1731 pursuant to this part ever have any right to compel the making
 1732 or continuance of such appropriations.

1733 (5) No pledge of said Osceola County gasoline tax funds as
 1734 rentals under such lease-purchase agreement shall be made
 1735 without the consent of Osceola County evidenced by a resolution
 1736 duly adopted by the board of county commissioners of said county
 1737 at a public hearing held pursuant to due notice thereof
 1738 published at least once a week for 3 consecutive weeks before
 1739 the hearing in a newspaper of general circulation in Osceola
 1740 County. In addition to other provisions, the resolution shall
 1741 provide that any excess of said pledged gasoline tax funds which
 1742 is not required for debt service or reserves for such debt
 1743 service for any bonds issued by said authority shall be returned
 1744 annually to the department for distribution to Osceola County as
 1745 provided by law. Before making any application for such pledge
 1746 of gasoline tax funds, the authority shall present the plan of
 1747 its proposed project to the Osceola County Planning and Zoning
 1748 Commission for its comments and recommendations.

1749 (6) The department shall have power to covenant in any
 1750 lease-purchase agreement that it will pay all or any part of the
 1751 cost of the operation, maintenance, repair, renewal, and
 1752 replacement of the system and any part of the cost of completing
 1753 the system to the extent that the proceeds of bonds issued
 1754 therefor are insufficient from sources other than the revenues
 1755 derived from the operation of the system and Osceola County

1756 gasoline tax funds. The department may also agree to make such
 1757 other payments from any moneys available to the commission or
 1758 the county in connection with the construction or completion of
 1759 the system as shall be deemed by the department to be fair and
 1760 proper under any such covenants heretofore or hereafter entered
 1761 into.

1762 (7) The system shall be a part of the state road system
 1763 and the department is hereby authorized, upon the request of the
 1764 authority, to expend out of any funds available for the purpose
 1765 such moneys and to use such of its engineering and other forces
 1766 as may be necessary and desirable in the judgment of the
 1767 department for the operation of the authority and for traffic
 1768 surveys, borings, surveys, preparation of plans and
 1769 specifications, estimates of cost, and other preliminary
 1770 engineering and other studies; however, the aggregate amount of
 1771 moneys expended for said purposes by the department shall not
 1772 exceed the sum of \$375,000.

1773 348.9809 Department may be appointed agent of authority
 1774 for construction.--The authority may appoint the department as
 1775 its agent for the purpose of constructing improvements and
 1776 extensions to the Osceola County Expressway System and for the
 1777 completion thereof. In such event, the authority shall provide
 1778 the department with complete copies of all documents,
 1779 agreements, resolutions, contracts, and instruments relating
 1780 thereto; shall request the department to do such construction
 1781 work, including the planning, surveying, and actual construction
 1782 of the completion, extensions, and improvements of the Osceola
 1783 County Expressway System; and shall transfer to the credit of an

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1784 account of the department in the treasury of the state the
 1785 necessary funds therefor, and the department shall thereupon be
 1786 authorized, empowered, and directed to proceed with such
 1787 construction and to use the funds for such purpose in the same
 1788 manner that it is now authorized to use the funds otherwise
 1789 provided by law for its use in construction of roads and
 1790 bridges.

1791 348.9811 Acquisition of lands and property.--

1792 (1) For the purposes of this part, the Osceola County
 1793 Expressway Authority may acquire private or public property and
 1794 property rights, including rights of access, air, view, and
 1795 light, by gift, devise, purchase, or condemnation by eminent
 1796 domain proceedings as the authority may deem necessary for any
 1797 of the purposes of this part, including, but not limited to, any
 1798 lands reasonably necessary for securing applicable permits,
 1799 areas necessary for management of access, borrow pits, drainage
 1800 ditches, water retention areas, rest areas, replacement access
 1801 for landowners whose access is impaired due to the construction
 1802 of a facility, and replacement rights-of-way for relocated rail
 1803 and utility facilities; for existing, proposed, or anticipated
 1804 transportation facilities on the Osceola County Expressway
 1805 System or in a transportation corridor designated by the
 1806 authority; or for the purposes of screening, relocation,
 1807 removal, or disposal of junkyards and scrap metal processing
 1808 facilities. The authority shall also have the power to condemn
 1809 any material and property necessary for such purposes.

1810 (2) The right of eminent domain conferred in this part
 1811 shall be exercised by the authority in the manner provided by

1812 law.
 1813 (3) When the authority acquires property for a
 1814 transportation facility or in a transportation corridor, it is
 1815 not subject to any liability imposed by chapter 376 or chapter
 1816 403 for preexisting soil or groundwater contamination due solely
 1817 to its ownership. This section does not affect the rights or
 1818 liabilities of any past or future owners of the acquired
 1819 property, nor does it affect the liability of any governmental
 1820 entity for the results of its actions which create or exacerbate
 1821 a pollution source. The authority and the Department of
 1822 Environmental Protection may enter into interagency agreements
 1823 for the performance, funding, and reimbursement of the
 1824 investigative and remedial acts necessary for property acquired
 1825 by the authority.

1826 348.9812 Cooperation with other units, boards, agencies,
 1827 and individuals.--Express authority and power is hereby given
 1828 and granted to any county, municipality, drainage district, road
 1829 and bridge district, school district, or any other political
 1830 subdivision, board, commission, or individual in or of the state
 1831 to make and enter into with the authority contracts, leases,
 1832 conveyances, partnerships, or other agreements within the
 1833 provisions and purposes of this part. The authority is hereby
 1834 expressly authorized to make and enter into contracts, leases,
 1835 conveyances, partnerships, and other agreements with any
 1836 political subdivision, agency, or instrumentality of the state
 1837 and any and all federal agencies, corporations, and individuals
 1838 for the purpose of carrying out the provisions of this part.

1839 348.9813 Covenant of the state.--The state does hereby

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1840 pledge to and agrees with any person, firm, or corporation or
 1841 federal or state agency subscribing to or acquiring the bonds to
 1842 be issued by the authority for the purposes of this part that
 1843 the state will not limit or alter the rights hereby vested in
 1844 the authority and the department until all bonds at any time
 1845 issued, together with the interest thereon, are fully paid and
 1846 discharged insofar as the same affects the rights of the holders
 1847 of bonds issued hereunder. The state does further pledge to and
 1848 agree with the United States that in the event any federal
 1849 agency shall construct or contribute any funds for the
 1850 completion, extension, or improvement of the Osceola County
 1851 Expressway System, or any part or portion thereof, the state
 1852 will not alter or limit the rights and powers of the authority
 1853 and the department in any manner which would be inconsistent
 1854 with the continued maintenance and operation of the Osceola
 1855 County Expressway System or the completion, extension, or
 1856 improvement thereof or which would be inconsistent with the due
 1857 performance of any agreements between the authority and any such
 1858 federal agency. The authority and the department shall continue
 1859 to have and may exercise all powers herein granted so long as
 1860 the same shall be necessary or desirable for the carrying out of
 1861 the purposes of this part and the purposes of the United States
 1862 in the completion, extension, or improvement of the Osceola
 1863 County Expressway System or any part or portion thereof.

1864 348.9814 Exemption from taxation.--The effectuation of the
 1865 authorized purposes of the authority created under this part is,
 1866 shall, and will be in all respects for the benefit of the people
 1867 of the state, for the increase of their commerce and prosperity,

1868 and for the improvement of their health and living conditions
 1869 and, since the authority will be performing essential
 1870 governmental functions in effectuating such purposes, the
 1871 authority shall not be required to pay any taxes or assessments
 1872 of any kind or nature whatsoever upon any property acquired or
 1873 used by it for such purposes or upon any rates, fees, rentals,
 1874 receipts, income, or charges at any time received by it and the
 1875 bonds issued by the authority, their transfer, and the income
 1876 therefrom, including any profits made on the sale thereof, shall
 1877 at all times be free from taxation of any kind by the state or
 1878 by any political subdivision or taxing agency or instrumentality
 1879 thereof. The exemption granted by this section shall not be
 1880 applicable to any tax imposed by chapter 220 on interest,
 1881 income, or profits on debt obligations owned by corporations.

1882 348.9815 Eligibility for investments and security.--Any
 1883 bonds or other obligations issued pursuant to this part shall be
 1884 and constitute legal investments for banks, savings banks,
 1885 trustees, executors, administrators, and all other fiduciaries
 1886 and for all state, municipal, and other public funds and shall
 1887 also be and constitute securities eligible for deposit as
 1888 security for all state, municipal, or other public funds,
 1889 notwithstanding the provisions of any other law or laws to the
 1890 contrary.

1891 348.9816 Pledges enforceable by bondholders.--It is the
 1892 express intention of this part that any pledge by the department
 1893 of rates, fees, revenues, Osceola County gasoline tax funds, or
 1894 other funds, as rentals, to the authority, or any covenants or
 1895 agreements relative thereto, may be enforceable in any court of

1896 competent jurisdiction against the authority or directly against
 1897 the department by any holder of bonds issued by the authority.

1898 348.9817 This part complete and additional authority.--

1899 (1) The powers conferred by this part shall be in addition
 1900 and supplemental to the existing powers of the board and the
 1901 department, and this part shall not be construed as repealing
 1902 any of the provisions of any other law, general, special, or
 1903 local, but to supersede such other laws in the exercise of the
 1904 powers provided in this part and to provide a complete method
 1905 for the exercise of the powers granted in this part. The
 1906 extension and improvement of the Osceola County Expressway
 1907 System and the issuance of bonds hereunder to finance all or
 1908 part of the cost thereof may be accomplished upon compliance
 1909 with the provisions of this part without regard to or necessity
 1910 for compliance with the provisions, limitations, or restrictions
 1911 contained in any other general, special, or local law,
 1912 including, but not limited to, s. 215.821. No approval of any
 1913 bonds issued under this part by the qualified electors or
 1914 qualified electors who are freeholders in the state or in
 1915 Osceola County or in any other political subdivision of the
 1916 state shall be required for the issuance of such bonds pursuant
 1917 to this part.

1918 (2) This part shall not be deemed to repeal, rescind, or
 1919 modify the Osceola County Charter. This part shall not be deemed
 1920 to repeal, rescind, or modify any other law relating to the
 1921 State Board of Administration, the Department of Transportation,
 1922 or the Division of Bond Finance of the State Board of
 1923 Administration but shall be deemed to and shall supersede such

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1924 other laws as are inconsistent with the provisions of this part,
 1925 including, but not limited to, s. 215.821.

1926 Section 20. Paragraph (b) of subsection (7) of section
 1927 373.036, Florida Statutes, is amended to read:

1928 373.036 Florida water plan; district water management
 1929 plans.--

1930 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
 1931 REPORT.--

1932 (b) The consolidated annual report shall contain the
 1933 following elements, as appropriate to that water management
 1934 district:

1935 1. A district water management plan annual report or the
 1936 annual work plan report allowed in subparagraph (2)(e)4.

1937 2. The department-approved minimum flows and levels annual
 1938 priority list and schedule required by s. 373.042(2).

1939 3. The annual 5-year capital improvements plan required by
 1940 s. 373.536(6)(a)3.

1941 4. The alternative water supplies annual report required
 1942 by s. 373.1961(2)(k).

1943 5. The final annual 5-year water resource development work
 1944 program required by s. 373.536(6)(a)4.

1945 6. The Florida Forever Water Management District Work Plan
 1946 annual report required by s. 373.199(7).

1947 7. The mitigation donation annual report required by s.
 1948 373.414(1) (c) ~~(b)~~2.

1949 Section 21. Subsection (12) is added to section 373.406,
 1950 Florida Statutes, to read:

1951 373.406 Exemptions.--The following exemptions shall apply:

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1952 (12) Department of Transportation projects and activities
 1953 described in s. 373.4146(1) are exempt from regulation under
 1954 this part and from any rule, manual, or order adopted under this
 1955 part.

1956 Section 22. Paragraph (e) of subsection (6) and subsection
 1957 (7) of section 373.4135, Florida Statutes, are amended to read:
 1958 373.4135 Mitigation banks and offsite regional
 1959 mitigation.--

1960 (6) An environmental creation, preservation, enhancement,
 1961 or restoration project, including regional offsite mitigation
 1962 areas, for which money is donated or paid as mitigation, that is
 1963 sponsored by the department, a water management district, or a
 1964 local government and provides mitigation for five or more
 1965 applicants for permits under this part, or for 35 or more acres
 1966 of adverse impacts, shall be established and operated under a
 1967 memorandum of agreement. The memorandum of agreement shall be
 1968 between the governmental entity proposing the mitigation project
 1969 and the department or water management district, as appropriate.
 1970 Such memorandum of agreement need not be adopted by rule. For
 1971 the purposes of this subsection, one creation, preservation,
 1972 enhancement, or restoration project shall mean one or more
 1973 parcels of land with similar ecological communities that are
 1974 intended to be created, preserved, enhanced, or restored under a
 1975 common scheme.

1976 (e) Projects governed by this subsection, except for
 1977 projects established pursuant to subsection (7), shall be
 1978 subject to the provisions of s. 373.414(1) (c) ~~(b)~~1.

1979 (7) The department, water management districts, and local
 1980 governments may elect to establish and manage mitigation sites,
 1981 including regional offsite mitigation areas, or contract with
 1982 permitted mitigation banks, to provide mitigation options for
 1983 private single-family lots or homeowners. The department, water
 1984 management districts, and local governments shall provide a
 1985 written notice of their election under this subsection by United
 1986 States mail to those individuals who have requested, in writing,
 1987 to receive such notice. The use of mitigation options
 1988 established under this subsection are not subject to the full-
 1989 cost-accounting provision of s. 373.414(1) (c) ~~(b)~~-1. To use a
 1990 mitigation option established under this subsection, the
 1991 applicant for a permit under this part must be a private,
 1992 single-family lot or homeowner, and the land upon which the
 1993 adverse impact is located must be intended for use as a single-
 1994 family residence by the current owner. The applicant must not be
 1995 a corporation, partnership, or other business entity. However,
 1996 the provisions of this subsection shall not apply to other
 1997 entities that establish offsite regional mitigation as defined
 1998 in this section and s. 373.403.

1999 Section 23. Paragraph (d) of subsection (6) of section
 2000 373.4136, Florida Statutes, is amended to read:

2001 373.4136 Establishment and operation of mitigation
 2002 banks.--

2003 (6) MITIGATION SERVICE AREA.--The department or water
 2004 management district shall establish a mitigation service area
 2005 for each mitigation bank permit. The department or water
 2006 management district shall notify and consider comments received

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2007 on the proposed mitigation service area from each local
2008 government within the proposed mitigation service area. Except
2009 as provided herein, mitigation credits may be withdrawn and used
2010 only to offset adverse impacts in the mitigation service area.
2011 The boundaries of the mitigation service area shall depend upon
2012 the geographic area where the mitigation bank could reasonably
2013 be expected to offset adverse impacts. Mitigation service areas
2014 may overlap, and mitigation service areas for two or more
2015 mitigation banks may be approved for a regional watershed.

2016 (d) If the requirements in s. 373.414(1) (c) ~~(b)~~ and (8) are
2017 met, the following projects or activities regulated under this
2018 part shall be eligible to use a mitigation bank, regardless of
2019 whether they are located within the mitigation service area:

2020 1. Projects with adverse impacts partially located within
2021 the mitigation service area.

2022 2. Linear projects, such as roadways, transmission lines,
2023 distribution lines, pipelines, or railways.

2024 3. Projects with total adverse impacts of less than 1 acre
2025 in size.

2026 Section 24. Paragraphs (b) and (c) of subsection (1) of
2027 section 373.414, Florida Statutes, are redesignated as
2028 paragraphs (c) and (d), respectively, and a new paragraph (b) is
2029 added to that subsection to read:

2030 373.414 Additional criteria for activities in surface
2031 waters and wetlands.--

2032 (1) As part of an applicant's demonstration that an
2033 activity regulated under this part will not be harmful to the
2034 water resources or will not be inconsistent with the overall

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2035 objectives of the district, the governing board or the
2036 department shall require the applicant to provide reasonable
2037 assurance that state water quality standards applicable to
2038 waters as defined in s. 403.031(13) will not be violated and
2039 reasonable assurance that such activity in, on, or over surface
2040 waters or wetlands, as delineated in s. 373.421(1), is not
2041 contrary to the public interest. However, if such an activity
2042 significantly degrades or is within an Outstanding Florida
2043 Water, as provided by department rule, the applicant must
2044 provide reasonable assurance that the proposed activity will be
2045 clearly in the public interest.

2046 (b) Department of Transportation projects and activities
2047 described in s. 373.4146(1) are exempt from the public-interest
2048 criteria of this subsection.

2049 Section 25. Subsection (7) is added to section 373.4145,
2050 Florida Statutes, to read:

2051 373.4145 Interim part IV permitting program for the
2052 Northwest Florida Water Management District.--

2053 (7) Department of Transportation projects and activities
2054 described in s. 373.4146(1) are exempt from the provisions of
2055 this section and from any rules, manuals, or orders adopted
2056 under this section.

2057 Section 26. Section 373.4146, Florida Statutes, is created
2058 to read:

2059 373.4146 Permitting exemptions for Department of
2060 Transportation projects; establishment of permit thresholds.--

2061 (1) The following state transportation projects and
2062 activities are exempt from regulation under this part and from

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2063 any rule, manual, or order adopted under this part:

2064 (a) Resurfacing, restoration, and rehabilitation work on
2065 existing highways to extend the service life or enhance highway
2066 safety, including, but not limited to, widening existing lanes,
2067 improving shoulders, and extending existing culverts or drainage
2068 structures to meet current highway safety standards, but not
2069 including increasing the number of through-travel lanes.

2070 (b) In-kind bridge replacement with the same number of
2071 through-travel lanes designed to current safety standards, and
2072 associated approach roadway work.

2073 (c) Intersection improvements, including the addition or
2074 extension of turn lanes and median crossings.

2075 (d) Addition of pedestrian and bicycle facilities to
2076 existing highways.

2077 (2) The following provisions apply to all state
2078 transportation projects regulated under this part:

2079 (a) As long as the stormwater discharge meets water
2080 quality standards of the receiving waters, the Department of
2081 Transportation is not required to determine or be limited to the
2082 existing discharge rate for discharges to tidally controlled
2083 bodies of water for any state transportation project as long as
2084 the discharge rate post project does not exceed the preproject
2085 discharge rate by 30 percent.

2086 (b) Any state transportation project that has undergone
2087 review pursuant to a process approved under 23 U.S.C. s. 6002
2088 will be deemed to have satisfied the cumulative impact review
2089 required pursuant to s. 373.414(8)(a).

2090 (c) State transportation projects are exempt from project

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2091 size acreage thresholds for general permits under this part.

2092 (d) State transportation projects with less than 5 acres
2093 of wetland impacts may obtain general permits under this part.

2094 (e) Stormwater treatment facilities for state
2095 transportation projects shall not be subject to minimum width or
2096 acreage restrictions.

2097 (3) By January 1, 2007, the department, the water
2098 management districts, and the Department of Transportation shall
2099 develop a memorandum of understanding governing the use, and the
2100 granting of such use, of sovereign submerged or other state-
2101 owned lands pursuant to chapter 253 or chapter 258 for state
2102 transportation projects. The memorandum of understanding shall
2103 address engineering techniques to minimize the project's
2104 environmental impacts, mitigation of unavoidable environmental
2105 impacts, and other related issues.

2106 (4) By July 1, 2007, the department, the water management
2107 districts, and the Department of Transportation shall jointly
2108 develop a memorandum of understanding describing a method for
2109 determining the seasonal high groundwater table elevation to be
2110 used by the department and the water management districts when
2111 permitting state transportation projects under this part.

2112 (5) By July 1, 2008, the department, the water management
2113 districts, and the Department of Transportation shall research
2114 and identify the specific constituents of highway stormwater
2115 runoff and shall jointly develop a memorandum of understanding
2116 containing best management practices to treat or minimize these
2117 identified constituents. These best management practices shall
2118 be deemed sufficient to satisfy water treatment requirements for

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2119 permits required by this part.

2120 Section 27. Paragraph (d) of subsection (2) of section
2121 348.0003, Florida Statutes, is amended to read:

2122 348.0003 Expressway authority; formation; membership.--

2123 (2) The governing body of an authority shall consist of
2124 not fewer than five nor more than nine voting members. The
2125 district secretary of the affected department district shall
2126 serve as a nonvoting member of the governing body of each
2127 authority located within the district. Each member of the
2128 governing body must at all times during his or her term of
2129 office be a permanent resident of the county which he or she is
2130 appointed to represent.

2131 (d) Notwithstanding any provision to the contrary in this
2132 subsection, in any county as defined in s. 125.011(1), the
2133 governing body of an authority shall consist of seven voting ~~up~~
2134 ~~to 13~~ members and two nonvoting members, and the following
2135 provisions of this paragraph shall apply specifically to such
2136 authority. Two ~~Except for the district secretary of the~~
2137 ~~department, the members must be residents of the county. Seven~~
2138 voting members shall be county commissioners appointed by the
2139 chair of the governing body of the county. One voting member
2140 shall be a mayor of a municipality within the county at all
2141 times while serving on the authority and shall be appointed by
2142 the Miami-Dade County League of Cities. Four ~~At the discretion~~
2143 ~~of the governing body of the county, up to two of the members~~
2144 ~~appointed by the governing body of the county may be elected~~
2145 ~~officials residing in the county. Five~~ voting members of the
2146 authority shall be appointed by the Governor and must be

2147 residents of the county or municipality at all times while
 2148 serving. The Governor's appointees shall not be elected or
 2149 appointed officials or employees of the county or of a
 2150 municipality within the county. ~~One member shall be~~ The district
 2151 secretary of the department serving in the district that
 2152 contains such county shall be a nonvoting member of the
 2153 authority. One member shall be the chair of the Miami-Dade
 2154 legislative delegation, or another member of the delegation
 2155 appointed by the chair, and shall be a nonvoting member of the
 2156 authority. ~~This member shall be an ex officio voting member of~~
 2157 ~~the authority. If the governing board of an authority includes~~
 2158 ~~any member originally appointed by the governing body of the~~
 2159 ~~county as a nonvoting member, when the term of such member~~
 2160 ~~expires, that member shall be replaced by a member appointed by~~
 2161 ~~the Governor until the governing body of the authority is~~
 2162 ~~composed of seven members appointed by the governing body of the~~
 2163 ~~county and five members appointed by the Governor.~~ The
 2164 qualifications, terms of office, and obligations and rights of
 2165 members of the authority shall be determined by resolution or
 2166 ordinance of the governing body of the county in a manner that
 2167 is consistent with subsections (3) and (4).

2168 Section 28. Paragraph (f) of subsection (2) and paragraphs
 2169 (a) and (h) of subsection (9) of section 348.0004, Florida
 2170 Statutes, are amended to read:

2171 348.0004 Purposes and powers.--

2172 (2) Each authority may exercise all powers necessary,
 2173 appurtenant, convenient, or incidental to the carrying out of

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2174 its purposes, including, but not limited to, the following
2175 rights and powers:

2176 (f)1. To fix, alter, charge, establish, and collect tolls,
2177 rates, fees, rentals, and other charges for the services and
2178 facilities system, which tolls, rates, fees, rentals, and other
2179 charges must always be sufficient to comply with any covenants
2180 made with the holders of any bonds issued pursuant to the
2181 Florida Expressway Authority Act. However, such right and power
2182 may be assigned or delegated by the authority to the department.
2183 Notwithstanding s. 338.165 or any other provision of law to the
2184 contrary, in any county as defined in s. 125.011(1), to the
2185 extent surplus revenues exist, they may be used for purposes
2186 enumerated in subsection (7), provided the expenditures are
2187 consistent with the metropolitan planning organization's adopted
2188 long-range plan. Notwithstanding any other provision of law to
2189 the contrary, but subject to any contractual requirements
2190 contained in documents securing any outstanding indebtedness
2191 payable from tolls, in any county as defined in s. 125.011(1),
2192 the board of county commissioners may, by ordinance adopted on
2193 or before September 30, 1999, alter or abolish existing tolls
2194 and currently approved increases thereto if the board provides a
2195 local source of funding to the county expressway system for
2196 transportation in an amount sufficient to replace revenues
2197 necessary to meet bond obligations secured by such tolls and
2198 increases.

2199 2. Prior to raising tolls, whether paid by cash or
2200 electronic toll collection, an expressway authority in any
2201 county as defined in s. 125.011(1) shall publish a notice of the

2202 intent to raise tolls in a newspaper of general circulation, as
 2203 defined in s. 97.021(18), in the county. The notice shall
 2204 provide the amount of increase to be implemented for cash
 2205 payment, electronic payment, or both, as applicable. The notice
 2206 also shall provide a postal address, an electronic mail or
 2207 Internet address, and a local telephone number for the purpose
 2208 of receiving public comment on the issue of the toll increase.
 2209 The notice shall be published two times, at least 7 days apart,
 2210 with the first publication occurring not more than 90 days prior
 2211 to the proposed effective date of the toll increase and the
 2212 second publication occurring not fewer than 60 days prior to the
 2213 proposed effective date of the toll increase. The provisions of
 2214 this subparagraph shall not apply to any change in the toll rate
 2215 for the use of any portion of the expressway system that has
 2216 been approved by this authority prior to July 1, 2006.

2217 (9) The Legislature declares that there is a public need
 2218 for rapid construction of safe and efficient transportation
 2219 facilities for travel within the state and that it is in the
 2220 public's interest to provide for public-private partnership
 2221 agreements to effectuate the construction of additional safe,
 2222 convenient, and economical transportation facilities.

2223 (a) Notwithstanding any other provision of law to the
 2224 contrary the Florida Expressway Authority Act, any expressway
 2225 authority, transportation authority, bridge authority, or toll
 2226 authority established by statute or under this part may receive
 2227 or solicit proposals and enter into agreements with private
 2228 entities, or consortia thereof, for the building, operation,
 2229 ownership, or financing of expressway authority transportation

2230 facilities or new transportation facilities within the
 2231 jurisdiction of the expressway authority. An expressway
 2232 authority is authorized to adopt rules to implement this
 2233 subsection and shall, by rule, establish an application fee for
 2234 the submission of unsolicited proposals under this subsection.
 2235 The fee must be sufficient to pay the costs of evaluating the
 2236 proposals. An expressway authority may engage private
 2237 consultants to assist in the evaluation. Before approval, an
 2238 expressway authority must determine that a proposed project:

- 2239 1. Is in the public's best interest.
- 2240 2. Would not require state funds to be used unless the
 2241 project is on or provides increased mobility on the State
 2242 Highway System.
- 2243 3. Would have adequate safeguards to ensure that no
 2244 additional costs or service disruptions would be realized by the
 2245 traveling public and citizens of the state in the event of
 2246 default or the cancellation of the agreement by the expressway
 2247 authority.

2248 (h) Except as herein provided, this subsection is not
 2249 intended to amend existing laws by granting additional powers to
 2250 or further restricting the governmental entities from regulating
 2251 and entering into cooperative arrangements with the private
 2252 sector for the planning, construction, and operation of
 2253 transportation facilities. Use of the powers granted in this
 2254 subsection by a statutorily created expressway authority,
 2255 transportation authority, bridge authority, or toll authority,
 2256 except one statutorily created under this part, shall not be

2257 subject to any of the requirements of this part except those
 2258 contained in this subsection.

2259 Section 29. Subsection (6) is added to section 348.754,
 2260 Florida Statutes, to read:

2261 348.754 Purposes and powers.--

2262 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
 2263 County Expressway Authority may waive payment and performance
 2264 bonds on construction contracts for the construction of a public
 2265 building, for the prosecution and completion of a public work,
 2266 or for repairs on a public building or public work that has a
 2267 cost of \$500,000 or less and when the project is awarded
 2268 pursuant to an economic development program for the
 2269 encouragement of local small businesses that has been adopted by
 2270 the governing body of the Orlando-Orange County Expressway
 2271 Authority pursuant to a resolution or policy.

2272 (b) The authority's adopted criteria for participation in
 2273 the economic development program for local small businesses
 2274 requires that a participant:

2275 1. Be an independent business.

2276 2. Be principally domiciled in the Orange County Standard
 2277 Metropolitan Statistical Area.

2278 3. Employ 25 or fewer full-time employees.

2279 4. Have gross annual sales averaging \$3 million or less
 2280 over the immediately preceding 3 calendar years with regard to
 2281 any construction element of the program.

2282 5. Be accepted as a participant in the Orlando-Orange
 2283 County Expressway Authority's microcontracts program or such
 2284 other small business program as may be hereinafter enacted by

2285 the Orlando-Orange County Expressway Authority.

2286 6. Participate in an educational curriculum or technical
 2287 assistance program for business development that will assist the
 2288 small business in becoming eligible for bonding.

2289 (c) The authority's adopted procedures for waiving payment
 2290 and performance bonds on projects with values not less than
 2291 \$200,000 and not exceeding \$500,000 shall provide that payment
 2292 and performance bonds may only be waived on projects that have
 2293 been set aside to be competitively bid on by participants in an
 2294 economic development program for local small businesses. The
 2295 authority's executive director or his or her designee shall
 2296 determine whether specific construction projects are suitable
 2297 for:

2298 1. Bidding under the authority's microcontracts program by
 2299 registered local small businesses; and

2300 2. Waiver of the payment and performance bond.

2301
 2302 The decision of the authority's executive director or deputy
 2303 executive director to waive the payment and performance bond
 2304 shall be based upon his or her investigation and conclusion that
 2305 there exists sufficient competition so that the authority
 2306 receives a fair price and does not undertake any unusual risk
 2307 with respect to such project.

2308 (d) For any contract for which a payment and performance
 2309 bond has been waived pursuant to the authority set forth in this
 2310 section, the Orlando-Orange County Expressway Authority shall
 2311 pay all persons defined in s. 713.01 who furnish labor,
 2312 services, or materials for the prosecution of the work provided

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2313 for in the contract to the same extent and upon the same
2314 conditions that a surety on the payment bond under s. 255.05
2315 would have been obligated to pay such persons if the payment and
2316 performance bond had not been waived. The authority shall record
2317 notice of this obligation in the manner and location that surety
2318 bonds are recorded. The notice shall include the information
2319 describing the contract that s. 255.05(1) requires be stated on
2320 the front page of the bond. Notwithstanding that s. 255.05(9)
2321 generally applies when a performance and payment bond is
2322 required, s. 255.05(9) shall apply under this subsection to any
2323 contract on which performance or payment bonds are waived and
2324 any claim to payment under this subsection shall be treated as a
2325 contract claim pursuant to s. 255.05(9).

2326 (e) A small business that has been the successful bidder
2327 on six projects for which the payment and performance bond was
2328 waived by the authority pursuant to paragraph (a) shall be
2329 ineligible to bid on additional projects for which the payment
2330 and performance bond is to be waived. The local small business
2331 may continue to participate in other elements of the economic
2332 development program for local small businesses as long as it is
2333 eligible.

2334 (f) The authority shall conduct bond eligibility training
2335 for businesses qualifying for bond waiver under this subsection
2336 to encourage and promote bond eligibility for such businesses.

2337 (g) The authority shall prepare a biennial report on the
2338 activities undertaken pursuant to this subsection to be
2339 submitted to the Orange County legislative delegation. The
2340 initial report shall be due December 31, 2008.

2341 Section 30. Subsection (1) of section 212.055, Florida
 2342 Statutes, is amended to read:

2343 212.055 Discretionary sales surtaxes; legislative intent;
 2344 authorization and use of proceeds.--It is the legislative intent
 2345 that any authorization for imposition of a discretionary sales
 2346 surtax shall be published in the Florida Statutes as a
 2347 subsection of this section, irrespective of the duration of the
 2348 levy. Each enactment shall specify the types of counties
 2349 authorized to levy; the rate or rates which may be imposed; the
 2350 maximum length of time the surtax may be imposed, if any; the
 2351 procedure which must be followed to secure voter approval, if
 2352 required; the purpose for which the proceeds may be expended;
 2353 and such other requirements as the Legislature may provide.
 2354 Taxable transactions and administrative procedures shall be as
 2355 provided in s. 212.054.

2356 (1) ~~CHARTER COUNTY TRANSPORTATION TRANSIT SYSTEM SURTAX.--~~

2357 (a) ~~Each charter county which adopted a charter prior to~~
 2358 ~~January 1, 1984, and each county the government of which is~~
 2359 ~~consolidated with that of one or more municipalities, may:~~

2360 1. Levy a discretionary sales surtax, subject to approval
 2361 by a majority vote of the electorate of the county; or

2362 2. Levy a discretionary sales surtax pursuant to this
 2363 subsection by a supermajority affirmative vote of the total
 2364 membership of its governing body ~~by a charter amendment approved~~
 2365 ~~by a majority vote of the electorate of the county.~~

2366 (b) The rate shall be up to 1 percent.

2367 (c) If the proposal to adopt a discretionary sales surtax
 2368 is to be adopted by a referendum as provided in this subsection,

2369 such proposal ~~and to create a trust fund within the county~~
 2370 ~~accounts~~ shall be placed on the ballot in accordance with law at
 2371 a time to be set at the discretion of the governing body of the
 2372 county.

2373 (d) Proceeds from the surtax shall be distributed to the
 2374 county and to each municipality within the county in which the
 2375 surtax is collected, according to:

2376 1. A separate interlocal agreement between the county
 2377 governing body and the governing body of any municipality within
 2378 the county; or

2379 2. If there is no interlocal agreement between the county
 2380 governing body and the governing body of any municipality within
 2381 the county, the proceeds shall be distributed according to an
 2382 apportionment factor for each eligible local government as
 2383 specified in this subparagraph.

2384 a. The apportionment factor for an eligible county shall
 2385 be composed of two equally weighted portions as follows:

2386 (I) Each eligible county's population in the
 2387 unincorporated areas of the county as a percentage of the total
 2388 county population as determined pursuant to s. 186.901.

2389 (II) Each eligible county's percentage of centerline miles
 2390 derived from the combined total number of centerline miles owned
 2391 and maintained by the county and each municipality within the
 2392 county as annually reported in the City/County Mileage Report
 2393 promulgated by the Transportation Statistics Office within the
 2394 Department of Transportation.

2395 b. The apportionment factor for an eligible municipality
 2396 shall be composed of two equally weighted portions as follows:

2397 (I) Each eligible municipality's population as a
 2398 percentage of the total county population as determined pursuant
 2399 to s. 186.901.

2400 (II) Each eligible municipality's percentage of centerline
 2401 miles derived from the combined total number of centerline miles
 2402 owned and maintained by the county and each municipality within
 2403 the county as annually reported in the City/County Mileage
 2404 Report promulgated by the Transportation Statistics Office
 2405 within the Department of Transportation.

2406 (e) A charter county that has adopted a surtax pursuant to
 2407 this subsection by referendum as of July 1, 2006, shall not be
 2408 required to distribute surtax proceeds pursuant to paragraph (d)
 2409 but shall follow the procedures established in paragraph (f).
 2410 Each charter county that adopted a charter prior to January 1,
 2411 1984, and each county the government of which is consolidated
 2412 with that of one or more municipalities, that adopts a surtax
 2413 pursuant to this subsection by referendum after July 1, 2006,
 2414 shall not be required to distribute surtax proceeds pursuant to
 2415 paragraph (d) but shall follow the procedures established in
 2416 paragraph (f). Pursuant to an interlocal agreement entered into
 2417 pursuant to chapter 163, the governing body of the charter
 2418 county may distribute proceeds from the tax to a municipality,
 2419 or an expressway or transportation authority created by law, to
 2420 be expended for the purposes authorized by paragraph (f).
 2421 Interlocal agreements entered into as of July 1, 2006, pursuant
 2422 to chapter 163 by the governing body of the county to distribute
 2423 proceeds from the tax to a municipality or an expressway or
 2424 transportation authority created by law shall not be affected by

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2425 the changes made to this subsection by this act effective July
 2426 1, 2006.

2427 (f) Proceeds from the surtax shall be applied to as many
 2428 or as few of the uses enumerated below in whatever combination
 2429 the governing body of the municipality or the county ~~commission~~
 2430 deems appropriate:

2431 1. Deposited by the governing body of the municipality or
 2432 the county in the trust fund and shall be used for the purposes
 2433 of development, construction, equipment, maintenance, operation,
 2434 supportive services, including a ~~countywide~~ bus system, and
 2435 related costs of a fixed guideway rapid transit system.†

2436 2. Remitted by the governing body of the municipality or
 2437 county to an expressway or transportation authority created by
 2438 law to be used, at the discretion of such authority, for the
 2439 development, construction, operation, or maintenance of roads,
 2440 bicycle and pedestrian facilities, or bridges in the county or
 2441 municipality, for the operation and maintenance of a bus system,
 2442 for the payment of principal and interest on existing bonds
 2443 issued for the construction of such roads, bicycle or pedestrian
 2444 facilities, or bridges, and, upon approval by the governing body
 2445 of the municipality or county ~~commission~~, such proceeds may be
 2446 pledged for bonds issued to refinance existing bonds or new
 2447 bonds issued for the construction of such roads or bridges.†

2448 ~~3. Used by the charter county for the development,~~
 2449 ~~construction, operation, and maintenance of roads and bridges in~~
 2450 ~~the county; for the expansion, operation, and maintenance of bus~~
 2451 ~~and fixed guideway systems; and for the payment of principal and~~
 2452 ~~interest on bonds issued for the construction of fixed guideway~~

2453 ~~rapid transit systems, bus systems, roads, or bridges; and such~~
 2454 ~~proceeds may be pledged by the governing body of the county for~~
 2455 ~~bonds issued to refinance existing bonds or new bonds issued for~~
 2456 ~~the construction of such fixed guideway rapid transit systems,~~
 2457 ~~bus systems, roads, or bridges and no more than 25 percent used~~
 2458 ~~for nontransit uses; and~~

2459 3.4. ~~Used by the governing body of the municipality or~~
 2460 ~~charter~~ county for the planning, development, construction,
 2461 operation, and maintenance of roads, bicycle and pedestrian
 2462 facilities, and bridges in the county; for the planning,
 2463 development, expansion, operation, and maintenance of bus and
 2464 fixed guideway systems; and for the payment of principal and
 2465 interest on bonds issued for the construction of fixed guideway
 2466 rapid transit systems, bus systems, roads, bicycle and
 2467 pedestrian facilities, or bridges; and such proceeds may be
 2468 pledged by the governing body of the municipality or county for
 2469 bonds issued to refinance existing bonds or new bonds issued for
 2470 the construction of such fixed guideway rapid transit systems,
 2471 bus systems, roads, bicycle and pedestrian facilities, or
 2472 bridges. ~~Pursuant to an interlocal agreement entered into~~
 2473 ~~pursuant to chapter 163, the governing body of the charter~~
 2474 ~~county may distribute proceeds from the tax to a municipality,~~
 2475 ~~or an expressway or transportation authority created by law to~~
 2476 ~~be expended for the purpose authorized by this paragraph.~~

2477 4. ~~Used by the county or municipality to fund regionally~~
 2478 significant transportation projects identified in a regional
 2479 transportation plan developed in accordance with s. 339.155(5)
 2480 or to provide matching funds for the Transportation Regional

2481 Incentive Program in accordance with s. 339.2819 or the New
 2482 Starts Transit Program as provided in s. 341.051.

2483 5. Used by the county or municipality to fund projects
 2484 identified in a capital improvements element of a comprehensive
 2485 plan that has been determined to be in compliance with part II
 2486 of chapter 163 or to implement a long-term concurrency
 2487 management system adopted by a local government in accordance
 2488 with s. 163.3177(3) or (9).

2489 Section 31. Department of Transportation study of
 2490 transportation facilities providing access to pari-mutuel
 2491 facilities and Indian reservations; report and
 2492 recommendations.--

2493 (1) The Department of Transportation is directed to
 2494 conduct a study of the impacts that slot machine gaming at pari-
 2495 mutuel facilities and on Indian reservation lands is having on
 2496 public roads and other transportation facilities, regarding
 2497 traffic congestion and other mobility issues, facility
 2498 maintenance and repair costs, emergency evacuation readiness,
 2499 and costs of potential future widening or other improvements,
 2500 and of other impacts on the motoring, nongaming public.

2501 (2) The study shall include, but is not limited to, the
 2502 following information:

2503 (a) A listing, description, and functional classification
 2504 of the access roads to and from pari-mutuel facilities and
 2505 Indian reservations that conduct slot machine gaming in the
 2506 state.

2507 (b) An identification of the access roads identified under
 2508 paragraph (a) that are either scheduled for improvements within

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2509 the Department of Transportation's 5-year work program or are
2510 listed on the 20-year, long-range transportation plan of the
2511 department or a metropolitan planning organization.

2512 (c) The most recent traffic counts on the access roads and
2513 projected future usage, as well as any projections of impacts on
2514 secondary, feeder, or connector roads, interstate highway exit
2515 and entrance ramps, or other area transportation facilities.

2516 (d) The safety and maintenance ratings of each access road
2517 and a detailed review of impacts on the ability of local and
2518 state emergency management agencies to provide emergency or
2519 evacuation services.

2520 (e) The estimated infrastructure costs to maintain,
2521 improve, or widen these access roads based on future projected
2522 needs.

2523 (f) The feasibility of implementing tolls on these access
2524 roads or, if already tolled, raising the toll to offset and
2525 mitigate the impacts of traffic generated by pari-mutuel
2526 facility and Indian reservation slot machine gaming activities
2527 on nontribal communities in the state and to finance projected
2528 future improvements to the access roads.

2529 (3) The department shall present its findings and
2530 recommendations in a report to be submitted to the Governor, the
2531 President of the Senate, and the Speaker of the House of
2532 Representatives by January 15, 2007. The report may include any
2533 department recommendations for proposed legislation.

2534 Section 32. Beginning in fiscal year 2006-2007 and in
2535 every year thereafter, a sum in the amount of \$400 million in
2536 recurring general revenue, adjusted by the percentage change in

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2537 the average of the Consumer Price Index issued by the United
2538 States Department of Labor for the most recent 12-month period
2539 ending September 30 and rounded to the nearest dollar, is hereby
2540 appropriated to the Department of Transportation and transferred
2541 to the State Transportation Trust Fund for the purpose of
2542 financing fixed capital outlay projects for arterial highway
2543 construction.

2544 Section 33. This act shall take effect July 1, 2006.