

## CHAMBER ACTION

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1 The State Infrastructure Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to transportation; amending s. 20.23,  
8 F.S.; providing that the salary and benefits of the  
9 executive director of the Florida Transportation  
10 Commission shall be set in accordance with the Senior  
11 Management Service; amending s. 112.061, F.S.; authorizing  
12 metropolitan planning organizations and certain separate  
13 entities to establish per diem and travel reimbursement  
14 rates; providing criteria for the rates; amending s.  
15 121.021, F.S.; revising the definition of "local agency  
16 employer" to include metropolitan planning organizations  
17 and certain separate entities for purposes of the Florida  
18 Retirement System Act; revising the definition of  
19 "regularly established position" to include positions in  
20 metropolitan planning organizations; amending s. 121.051,  
21 F.S.; providing for metropolitan planning organizations to  
22 participate in the Florida Retirement System; amending s.  
23 121.055, F.S.; requiring certain metropolitan planning

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24 organization and similar entity staff positions to be in  
25 the Senior Management Service Class of the Florida  
26 Retirement System; amending s. 121.061, F.S.; providing  
27 for enforcement of certain employer funding contributions  
28 required under the Florida Retirement System; authorizing  
29 deductions of amounts owed from certain funds distributed  
30 to a metropolitan planning organization; authorizing the  
31 governing body of a metropolitan planning organization to  
32 file and maintain an action in court to require an  
33 employer to remit retirement or social security member  
34 contributions or employer matching payments; amending s.  
35 121.081, F.S.; providing for metropolitan planning  
36 organization officers and staff to claim past service for  
37 retirement benefits; amending s. 212.055, F.S.; renaming  
38 the Charter County Transit System Surtax as the "Charter  
39 County Transportation System Surtax"; providing for  
40 approval by initiative petition; revising provisions for  
41 uses of the proceeds; deleting a once-a-year limitation on  
42 use of funds from the local government infrastructure  
43 surtax for issuance of bonds; providing for a county  
44 transportation system surtax; providing for certain  
45 counties to levy a discretionary sales surtax upon  
46 approval by the governing body and the electorate of the  
47 county; providing for distribution to the county and  
48 municipalities by interlocal agreement or a certain  
49 apportionment formula; providing for authorized uses of  
50 the surtax; amending s. 212.0606, F.S.; providing for the  
51 imposition by countywide referendum of an additional

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52 | surcharge on the lease or rental of a motor vehicle;  
53 | providing procedures and requirements for imposing the  
54 | surcharge; providing for time of effect of the surcharge;  
55 | providing for a distribution and use of funds collected  
56 | from the surcharge; providing procedures for collection;  
57 | providing for exceptions; amending s. 215.615, F.S.;  
58 | revising Department of Transportation's requirement to  
59 | share certain costs of fixed-guideway system projects;  
60 | revising criteria for an interlocal agreement to establish  
61 | bond financing for fixed-guideway system projects;  
62 | amending s. 311.22, F.S.; revising provisions for the  
63 | Florida Seaport Transportation and Economic Development  
64 | Council program to fund certain dredging projects;  
65 | requiring a match of funds for certain channel or turning  
66 | basin projects; amending s. 316.605, F.S.; providing  
67 | height and placement requirements for vehicle license  
68 | plates; prohibiting display that obscures identification  
69 | of the letters and numbers on a license plate; providing  
70 | penalties; amending s. 316.650, F.S.; revising procedures  
71 | for disposition of citations issued for failure to pay  
72 | toll; providing that the citation will not be submitted to  
73 | the court and no points will be assessed on the driver's  
74 | license if the person cited elects to make payment  
75 | directly to the governmental entity that issued the  
76 | citation; providing for reporting of the citation by the  
77 | governmental entity to the Department of Highway Safety  
78 | and Motor Vehicles; amending s. 318.14, F.S.; providing  
79 | for the amount required to be paid under certain

80 | procedures for disposition of a citation issued for  
81 | failure to pay toll; providing for the person cited to  
82 | request a court hearing; amending s. 318.18, F.S.;  
83 | revising penalties for failure to pay a prescribed toll;  
84 | providing for disposition of amounts received by the clerk  
85 | of court; removing procedures for withholding of  
86 | adjudication; providing for suspension of a driver's  
87 | license under certain circumstances; amending s. 320.061,  
88 | F.S.; prohibiting interfering with the legibility, angular  
89 | visibility, or detectability of any feature or detail on a  
90 | license plate or interfering with the ability to  
91 | photograph or otherwise record any feature or detail on a  
92 | license plate; prohibiting advertising, sale,  
93 | distribution, purchase, or use of any product made for  
94 | such purpose; providing penalties; providing for a law  
95 | enforcement officer to issue a citation and confiscate a  
96 | cover or other device obstructing the visibility or  
97 | electronic image recording of a plate or to confiscate a  
98 | license plate physically treated with a substance or  
99 | material that is obstructing the visibility or electronic  
100 | image recording of the plate; requiring the Department of  
101 | Highway Safety and Motor Vehicles to revoke the  
102 | registration of a plate so altered; providing for the  
103 | Attorney General to file suit against any entity offering  
104 | or marketing a product advertised as having the capacity  
105 | to obstruct the visibility or electronic image recording  
106 | of a license plate; amending s. 320.20, F.S.; revising  
107 | provisions for distribution of revenue derived from

108 registration of motor vehicles; revising provisions for  
109 distribution for purposes of funding certain seaport  
110 projects; revising procedures for distribution of the  
111 funds; providing for approval of certain projects by the  
112 Department of Transportation; removing certain  
113 restrictions on the issuance of bonds to refinance certain  
114 existing port bond issues; requiring refunding bonds to be  
115 issued by the Division of Bond Finance at the request of  
116 the department; specifying projects and criteria for  
117 funding; authorizing use of funds for certain financing  
118 purposes; amending s. 332.007, F.S.; authorizing the  
119 Department of Transportation to provide funds for certain  
120 general aviation projects under certain circumstances;  
121 extending timeframe that the department is authorized to  
122 provide operational and maintenance assistance to certain  
123 airports and may redirect the use of certain funds to  
124 security-related or economic-impact projects related to  
125 the events of September 11, 2001; renumbering and amending  
126 s. 336.044, F.S., relating to Department of Transportation  
127 use of recovered materials in construction programs;  
128 adding gypsum to the list of materials authorized for use  
129 in certain demonstration projects; amending s. 335.066,  
130 F.S.; renaming the Safe Paths to Schools Program as the  
131 "Safe Routes to Schools Program"; revising requirements of  
132 the program; authorizing a clearinghouse to disseminate  
133 information and grants; providing for use of certain  
134 federal funds; amending ss. 335.067, 1013.33, and  
135 1013.351, F.S.; conforming terminology; amending s.

136 336.025, F.S.; deleting a prohibition against local  
137 governments issuing certain bonds secured by revenues from  
138 local option fuel taxes more than once a year; creating s.  
139 336.68, F.S.; providing criteria and procedures for the  
140 owner of property within a described road and bridge  
141 district to sever inclusion within the district; amending  
142 s. 337.11, F.S.; providing that certain construction  
143 projects be advertised for bids in local newspapers;  
144 amending s. 337.14, F.S.; authorizing the department to  
145 waive specified prequalification requirements for certain  
146 transportation projects under certain conditions; amending  
147 s. 337.18, F.S.; revising surety bond requirements for  
148 construction or maintenance contracts; providing for  
149 incremental annual surety bonds for multiyear maintenance  
150 contracts under certain conditions; revising the threshold  
151 for transportation projects eligible for a waiver of  
152 surety bond requirements; authorizing the department to  
153 provide for phased surety bond coverage or an alternate  
154 means of security for a portion of the contract amount in  
155 lieu of the surety bond; amending s. 338.161, F.S.;  
156 providing for the Department of Transportation and certain  
157 toll agencies to enter into agreements with public or  
158 private entities for additional uses of electronic toll  
159 collection products and services; authorizing feasibility  
160 studies by the department or a toll agency of additional  
161 uses of electronic toll devices for legislative  
162 consideration; amending s. 338.2216, F.S.; changing the  
163 carryforward date on certain undisbursed Florida Turnpike

164 Enterprise funds; revising the maximum amount that may be  
165 carried forward; amending s. 338.2275, F.S.; raising the  
166 limit on outstanding bonds to fund turnpike projects;  
167 amending s. 339.175, F.S.; specifying that a metropolitan  
168 planning organization is a separate legal entity  
169 independent of entities represented on the M.P.O. and  
170 signatories to the agreement creating the M.P.O.;  
171 providing for selection of certain officers; revising  
172 provisions for voting membership; specifying certain  
173 constitutional officers are not elected officials of a  
174 general-purpose local government for voting membership  
175 purposes; revising provisions for a process for appointing  
176 alternate members; revising provisions for nonvoting  
177 advisers; revising provisions for employment of staff by  
178 an M.P.O.; providing for training of certain persons who  
179 serve on an M.P.O. for certain purposes; revising voting  
180 requirements for approval of certain plans, programs, and  
181 amendments; amending s. 339.2819, F.S.; revising  
182 limitations on matching funds from the Transportation  
183 Regional Incentive Program; deleting a provision that  
184 provides for matching funds based on the nonfederal share  
185 of certain transportation facility project costs; creating  
186 s. 339.282, F.S.; providing certain incentives for certain  
187 private-sector contributions to improve transportation  
188 facilities; providing for the contribution to be applied  
189 as a credit against transportation concurrency  
190 requirements; providing procedures and criteria; amending  
191 s. 335.55, F.S.; providing for use of State Infrastructure

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192 Bank loans for certain damaged transportation facilities  
193 in areas officially declared to be in a state of  
194 emergency; providing criteria; amending s. 343.54, F.S.;  
195 revising language relating to powers and duties of the  
196 South Florida Regional Transportation Authority; deleting  
197 the term "commuter rail"; amending s. 343.55, F.S.;  
198 providing pledge to bondholders that the state will not  
199 alter certain rights vested in the authority that affect  
200 the rights of bondholders while bonds are outstanding;  
201 amending s. 343.58, F.S.; revising provisions for funding  
202 of the authority; requiring counties served by the  
203 authority to annually transfer certain funds before a  
204 certain date; removing provisions for sources of that  
205 funding; removing authorization for a vehicle registration  
206 tax; providing for a certain funding source for capital,  
207 operating, and maintenance expenses; revising county  
208 funding amounts to fund operations; providing for  
209 cessation of specified county funding contributions and  
210 providing for certain refunding of the contributions under  
211 certain circumstances; revising timeframe for repeal of  
212 specified funding provisions under certain circumstances;  
213 amending s. 343.71, F.S.; revising the short title of the  
214 part; amending s. 343.72, F.S.; revising and adding  
215 definitions; amending s. 343.73, F.S.; changing the name  
216 of the Tampa Bay Commuter Transit Authority to the "Tampa  
217 Bay Regional Transportation Authority"; revising  
218 membership provisions; adding Citrus County to the  
219 authority's jurisdictional boundary; providing for

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220 employees and advisory committees; renumbering and  
221 amending s. 343.74, F.S.; specifying purposes of the  
222 authority; revising rights, powers and duties; authorizing  
223 the authority to construct, operate, and maintain  
224 transportation facilities; authorizing the authority to  
225 collect tolls on its transportation facilities; requiring  
226 the authority to develop and adopt a regional  
227 transportation master plan; providing for content,  
228 updates, and use of the plan; authorizing the authority to  
229 request funding and technical assistance; revising  
230 provisions for certain charges collected by the authority;  
231 authorizing the authority to borrow money, enter into  
232 partnerships and other agreements, enter into and make  
233 lease-purchase agreements, and make contracts for certain  
234 purposes; removing a requirement to adopt a certain plan;  
235 specifying that the authority does not have power to  
236 pledge the credit or taxing power of the state;  
237 renumbering and amending s. 343.75, F.S.; providing  
238 legislative approval of bond financing by the authority  
239 for its projects; providing for issuance of the bonds by  
240 the authority or the Division of Bond Finance; providing  
241 for contract with bondholders; authorizing the authority  
242 to employ fiscal agents; authorizing the State Board of  
243 Administration to act as fiscal agent; renumbering and  
244 amending s. 343.76, F.S.; revising provisions that specify  
245 that the authority's bonds are not debts of the State;  
246 renumbering and amending s. 343.77, F.S.; revising the  
247 state's covenant with bondholders; creating s. 343.747,

248 F.S.; providing certain rights and remedies for  
249 bondholders; creating s. 343.749, F.S.; providing for  
250 enforcement by bondholders of pledges to the authority  
251 from the department; creating s. 343.751, F.S.; providing  
252 for lease-purchase agreements between the authority and  
253 the department; creating s. 343.753, F.S.; providing for  
254 the department to act as an agent for the authority for  
255 the purposes of constructing and completing the  
256 authority's projects; creating s. 343.761, F.S.; providing  
257 for the authority to purchase property and property  
258 rights; creating s. 343.771, F.S.; providing for the  
259 authority to enter into cooperative agreements with other  
260 entities and persons; creating s. 343.773, F.S.; providing  
261 for the authority to enter into certain public-private  
262 agreements under certain conditions; providing procedures  
263 for proposals for public-private transportation projects;  
264 providing criteria for the constructed facilities;  
265 authorizing the authority to use certain powers to  
266 facilitate project development and construction; providing  
267 intent relating to governmental entities; authorizing the  
268 authority to adopt certain rules and establish an  
269 application fee fees; creating s. 343.781, F.S.; exempting  
270 the authority from certain taxation; creating s. 348.783,  
271 F.S.; specifying that bonds or other obligations issued by  
272 the authority are legal investments constituting  
273 securities for certain purposes; creating s. 343.791,  
274 F.S.; providing for application and effect of specified  
275 provisions; amending s. 343.81, F.S.; prohibiting elected

276 officials from serving on the Northwest Florida  
277 Transportation Corridor Authority; providing for  
278 application of the prohibition to apply to persons  
279 appointed to serve on the authority after a certain date;  
280 amending s. 343.82, F.S.; directing the authority to plan  
281 for and study the feasibility of constructing, operating,  
282 and maintaining a bridge or bridges, and appurtenant  
283 structures, spanning Choctawhatchee Bay or Santa Rosa  
284 Sound; authorizing the authority to construct, operate,  
285 and maintain said bridges and structures; amending s.  
286 348.0003, F.S.; revising the membership of expressway  
287 authority governing boards in certain counties;  
288 prohibiting certain expressway authorities from  
289 contracting for lobbyist services; amending s. 348.0004,  
290 F.S.; providing for public notice of a proposed toll  
291 increase by certain expressway authorities; authorizing a  
292 transportation authority, bridge authority, or toll  
293 authority to receive or solicit proposals and enter into  
294 agreements with private entities for certain  
295 transportation facility purposes; providing for  
296 application of specified provisions to use of certain  
297 additional powers by certain authorities; amending s.  
298 348.0012, F.S.; revising provisions for certain exemptions  
299 from the Florida Expressway Authority Act; amending s.  
300 348.754, F.S.; authorizing the Orlando-Orange County  
301 Expressway Authority to waive payment and performance  
302 bonds on certain construction contracts if the contract is  
303 awarded pursuant to an economic development program for

304 the encouragement of local small businesses; providing  
305 criteria for participation in the program; providing  
306 criteria for the bond waiver; providing for certain  
307 determinations by the authority's executive director or a  
308 designee as to the suitability of a project; providing for  
309 certain payment obligations if a payment and performance  
310 bond is waived; requiring the authority to record notice  
311 of the obligation; limiting eligibility to bid on the  
312 projects; providing for the authority to conduct bond  
313 eligibility training for certain businesses; requiring the  
314 authority to submit biennial reports to the Orange County  
315 legislative delegation; redesignating part X of chapter  
316 348, F.S.; creating part X of chapter 348, F.S.; creating  
317 the "Osceola County Expressway Authority Law"; providing  
318 definitions; creating the authority as an agency of the  
319 state; providing for membership, terms, organization,  
320 personnel, and administration; providing purposes and  
321 powers for construction, expansion, maintenance,  
322 improvement, and operation of the Osceola County  
323 Expressway System; providing for the authority to acquire  
324 property, enter into and make lease-purchase agreements  
325 with the department, establish and collect certain  
326 charges, borrow money and accept grants, issue bonds and  
327 provide for bondholder security; providing for use of  
328 certain funds to pay obligations; providing for repayment  
329 of certain funds used by the authority; requiring consent  
330 of local and county governments for certain actions by the  
331 authority; providing for application of specified

332 provisions to certain department projects within the  
333 geographical boundaries of the authority; providing for  
334 bond financing by the authority; providing for issuance of  
335 bonds; authorizing the authority to employ fiscal agents;  
336 authorizing the State Board of Administration to act as  
337 fiscal agent for the authority; providing for lease of the  
338 system to the Department of Transportation under a lease-  
339 purchase agreement; providing for the authority to appoint  
340 the department as its agent for certain construction  
341 purposes; authorizing the authority to acquire property;  
342 limiting liability of the authority for contamination  
343 existing on an acquired property; providing for remedial  
344 acts necessary due to such contamination; authorizing  
345 agreements between the authority and other entities;  
346 providing a pledge of the state to bondholders; exempting  
347 the authority from taxation; specifying that bonds or  
348 other obligations issued by the authority are legal  
349 investments constituting securities for certain purposes;  
350 providing for enforcement by bondholders of pledges to the  
351 authority from the department; providing for application  
352 and construction of the part; directing the Florida  
353 Transportation Commission to conduct a study of certain  
354 metropolitan planning organization activities and to  
355 submit a report based on its study to the Governor and the  
356 Legislature; amending s. 810.011, F.S.; providing that  
357 certain property that is owned or leased by a railroad or  
358 railway company is not required to meet specified posting  
359 provisions in order for specified trespass provisions to

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360 apply; reenacting s. 810.09(1)(a), F.S., relating to  
 361 trespass on property other than structure or conveyance;  
 362 amending ch. 89-383, Laws of Florida; providing for  
 363 certain alterations to and along Red Road in Miami-Dade  
 364 County for transportation safety purposes; designating  
 365 Brickell Avenue in the City of Miami; directing the city  
 366 to make related address changes and erect appropriate  
 367 markers; providing an effective date.

368  
 369 Be It Enacted by the Legislature of the State of Florida:

370  
 371 Section 1. Paragraph (h) of subsection (2) of section  
 372 20.23, Florida Statutes, is amended to read:

373 20.23 Department of Transportation.--There is created a  
 374 Department of Transportation which shall be a decentralized  
 375 agency.

376 (2)

377 (h) The commission shall appoint an executive director and  
 378 assistant executive director, who shall serve under the  
 379 direction, supervision, and control of the commission. The  
 380 executive director, with the consent of the commission, shall  
 381 employ such staff as are necessary to perform adequately the  
 382 functions of the commission, within budgetary limitations. All  
 383 employees of the commission are exempt from part II of chapter  
 384 110 and shall serve at the pleasure of the commission. The  
 385 salaries and benefits of all employees of the commission, except  
 386 for the executive director, shall be set in accordance with the  
 387 Selected Exempt Service; ~~provided, however, that~~ the salary and

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388 benefits of the executive director shall be set in accordance  
 389 with the Senior Management Service. The commission shall have  
 390 complete authority for fixing the salary of the executive  
 391 director and assistant executive director.

392 Section 2. Subsection (14) of section 112.061, Florida  
 393 Statutes, is amended to read:

394 112.061 Per diem and travel expenses of public officers,  
 395 employees, and authorized persons.--

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

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

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

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

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

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

412 5. Any metropolitan planning organization created pursuant  
 413 to s. 339.175, or any separate legal or administrative entity  
 414 created pursuant to s. 339.175 of which a metropolitan planning  
 415 organization is a member, by enactment of a resolution.

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416 (b) Rates established pursuant to paragraph (a) must apply  
 417 uniformly to all travel by the county, county constitutional  
 418 officer and entity governed by that officer, district school  
 419 board, ~~or~~ special district, or metropolitan planning  
 420 organization.

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

426 Section 3. Paragraph (a) of subsection (42) and paragraph  
 427 (b) of subsection (52) of section 121.021, Florida Statutes, are  
 428 amended to read:

429 121.021 Definitions.--The following words and phrases as  
 430 used in this chapter have the respective meanings set forth  
 431 unless a different meaning is plainly required by the context:

432 (42) (a) "Local agency employer" means the board of county  
 433 commissioners or other legislative governing body of a county,  
 434 however styled, including that of a consolidated or metropolitan  
 435 government; a clerk of the circuit court, sheriff, property  
 436 appraiser, tax collector, or supervisor of elections, provided  
 437 such officer is elected or has been appointed to fill a vacancy  
 438 in an elective office; a community college board of trustees or  
 439 district school board; or the governing body of any city,  
 440 metropolitan planning organization created pursuant to s.  
 441 339.175, or any separate legal or administrative entity created  
 442 pursuant to s. 339.175, or special district of the state which



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443 participates in the system for the benefit of certain of its  
444 employees.

445 (52) "Regularly established position" is defined as  
446 follows:

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

452 Section 4. Paragraph (b) of subsection (2) of section  
453 121.051, Florida Statutes, is amended to read:

454 121.051 Participation in the system.--

455 (2) OPTIONAL PARTICIPATION.--

456 (b)1. The governing body of any municipality, metropolitan  
457 planning organization, or special district in the state may  
458 elect to participate in the system upon proper application to  
459 the administrator and may cover all or any of its units as  
460 approved by the Secretary of Health and Human Services and the  
461 administrator. The department shall adopt rules establishing  
462 provisions for the submission of documents necessary for such  
463 application. Prior to being approved for participation in the  
464 Florida Retirement System, the governing body of any such  
465 municipality, metropolitan planning organization, or special  
466 district that has a local retirement system shall submit to the  
467 administrator a certified financial statement showing the  
468 condition of the local retirement system as of a date within 3  
469 months prior to the proposed effective date of membership in the  
470 Florida Retirement System. The statement must be certified by a

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471 recognized accounting firm that is independent of the local  
472 retirement system. All required documents necessary for  
473 extending Florida Retirement System coverage must be received by  
474 the department for consideration at least 15 days prior to the  
475 proposed effective date of coverage. If the municipality,  
476 metropolitan planning organization, or special district does not  
477 comply with this requirement, the department may require that  
478 the effective date of coverage be changed.

479 2. Any city, metropolitan planning organization, or  
480 special district that has an existing retirement system covering  
481 the employees in the units that are to be brought under the  
482 Florida Retirement System may participate only after holding a  
483 referendum in which all employees in the affected units have the  
484 right to participate. Only those employees electing coverage  
485 under the Florida Retirement System by affirmative vote in said  
486 referendum shall be eligible for coverage under this chapter,  
487 and those not participating or electing not to be covered by the  
488 Florida Retirement System shall remain in their present systems  
489 and shall not be eligible for coverage under this chapter. After  
490 the referendum is held, all future employees shall be compulsory  
491 members of the Florida Retirement System.

492 3. The governing body of any city, metropolitan planning  
493 organization, or special district complying with subparagraph 1.  
494 may elect to provide, or not provide, benefits based on past  
495 service of officers and employees as described in s. 121.081(1).  
496 However, if such employer elects to provide past service  
497 benefits, such benefits must be provided for all officers and  
498 employees of its covered group.

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

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

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

517 b. From 7 to 15 days before such hearing, notice of intent  
518 to withdraw, specifying the time and place of the hearing, must  
519 be provided in writing to employees of the hospital district  
520 proposing partial withdrawal and must be published in a  
521 newspaper of general circulation in the area affected, as  
522 provided by ss. 50.011-50.031. Proof of publication of such  
523 notice shall be submitted to the Department of Management  
524 Services.

525 c. The governing body of any hospital district seeking to  
526 partially withdraw from the system must, before such hearing,

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527 | have an actuarial report prepared and certified by an enrolled  
528 | actuary, as defined in s. 112.625(3), illustrating the cost to  
529 | the hospital district of providing, through the retirement plan  
530 | that the hospital district is to adopt, benefits for new  
531 | employees comparable to those provided under the Florida  
532 | Retirement System.

533 |         d. Upon meeting all applicable requirements of this  
534 | subparagraph, and subject to the conditions set forth in  
535 | subparagraph 6., partial withdrawal from the system and adoption  
536 | of the alternative retirement plan may be accomplished by  
537 | resolution duly adopted by the hospital district board. The  
538 | hospital district board must provide written notice of such  
539 | withdrawal to the division by mailing a copy of the resolution  
540 | to the division, postmarked no later than December 15, 1995. The  
541 | withdrawal shall take effect January 1, 1996.

542 |         6. Following the adoption of a resolution under sub-  
543 | subparagraph 5.d., all employees of the withdrawing hospital  
544 | district who were participants in the Florida Retirement System  
545 | prior to January 1, 1996, shall remain as participants in the  
546 | system for as long as they are employees of the hospital  
547 | district, and all rights, duties, and obligations between the  
548 | hospital district, the system, and the employees shall remain in  
549 | full force and effect. Any employee who is hired or appointed on  
550 | or after January 1, 1996, may not participate in the Florida  
551 | Retirement System, and the withdrawing hospital district shall  
552 | have no obligation to the system with respect to such employees.

553 |         Section 5. Paragraph (1) is added to subsection (1) of  
554 | section 121.055, Florida Statutes, to read:

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555           121.055 Senior Management Service Class.--There is hereby  
556 established a separate class of membership within the Florida  
557 Retirement System to be known as the "Senior Management Service  
558 Class," which shall become effective February 1, 1987.

559           (1)

560           (1) For each metropolitan planning organization that has  
561 opted to become part of the Florida Retirement System,  
562 participation in the Senior Management Service Class shall be  
563 compulsory for the executive director or staff director of that  
564 metropolitan planning organization or similar entity created  
565 pursuant to s. 339.175.

566           Section 6. Paragraphs (a) and (c) of subsection (2) of  
567 section 121.061, Florida Statutes, are amended to read:

568           121.061 Funding.--

569           (2) (a) Should any employer other than a state employer  
570 fail to make the retirement and social security contributions,  
571 both member and employer contributions, required by this  
572 chapter, then, upon request by the administrator, the Department  
573 of Revenue or the Department of Financial Services, as the case  
574 may be, shall deduct the amount owed by the employer from any  
575 funds to be distributed by it to the county, city, metropolitan  
576 planning organization, special district, or consolidated form of  
577 government. The amounts so deducted shall be transferred to the  
578 administrator for further distribution to the trust funds in  
579 accordance with this chapter.

580           (c) The governing body of each county, city, metropolitan  
581 planning organization, special district, or consolidated form of  
582 government participating under this chapter or the

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583 administrator, acting individually or jointly, is hereby  
584 authorized to file and maintain an action in the courts of the  
585 state to require any employer to remit any retirement or social  
586 security member contributions or employer matching payments due  
587 the retirement or social security trust funds under the  
588 provisions of this chapter.

589 Section 7. Paragraphs (a), (b), and (e) of subsection (1)  
590 of section 121.081, Florida Statutes, are amended to read:

591 121.081 Past service; prior service;  
592 contributions.--Conditions under which past service or prior  
593 service may be claimed and credited are:

594 (1) (a) Past service, as defined in s. 121.021(18), may be  
595 claimed as creditable service by officers or employees of a  
596 city, metropolitan planning organization, or special district  
597 that become a covered group under this system. The governing  
598 body of a covered group in compliance with s. 121.051(2)(b) may  
599 elect to provide benefits with respect to past service earned  
600 prior to January 1, 1975, in accordance with this chapter, and  
601 the cost for such past service shall be established by applying  
602 the following formula: The member contribution for both regular  
603 and special risk members shall be 4 percent of the gross annual  
604 salary for each year of past service claimed, plus 4-percent  
605 employer matching contribution, plus 4 percent interest thereon  
606 compounded annually, figured on each year of past service, with  
607 interest compounded from date of annual salary earned until July  
608 1, 1975, and 6.5 percent interest compounded annually thereafter  
609 until date of payment. Once the total cost for a member has been  
610 figured to date, then after July 1, 1975, 6.5 percent compounded

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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611 interest shall be added each June 30 thereafter on any unpaid  
612 balance until the cost of such past service liability is paid in  
613 full. The following formula shall be used in calculating past  
614 service earned prior to January 1, 1975: (Annual gross salary  
615 multiplied by 8 percent) multiplied by the 4 percent or 6.5  
616 percent compound interest table factor, as may be applicable.  
617 The resulting product equals cost to date for each particular  
618 year of past service.

619 (b) Past service earned after January 1, 1975, may be  
620 claimed by officers or employees of a city, metropolitan  
621 planning organization, or special district that becomes a  
622 covered group under this system. The governing body of a covered  
623 group may elect to provide benefits with respect to past service  
624 earned after January 1, 1975, in accordance with this chapter,  
625 and the cost for such past service shall be established by  
626 applying the following formula: The employer shall contribute an  
627 amount equal to the contribution rate in effect at the time the  
628 service was earned, multiplied by the employee's gross salary  
629 for each year of past service claimed, plus 6.5 percent interest  
630 thereon, compounded annually, figured on each year of past  
631 service, with interest compounded from date of annual salary  
632 earned until date of payment.

633 (e) Past service, as defined in s. 121.021(18), may be  
634 claimed as creditable service by a member of the Florida  
635 Retirement System who formerly was an officer or employee of a  
636 city, metropolitan planning organization, or special district,  
637 notwithstanding the status or form of the retirement system, if  
638 any, of that city, metropolitan planning organization, or

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639 special district and irrespective of whether officers or  
 640 employees of that city, metropolitan planning organization, or  
 641 special district now or hereafter become a covered group under  
 642 the Florida Retirement System. Such member may claim creditable  
 643 service and be entitled to the benefits accruing to the regular  
 644 class of members as provided for the past service claimed under  
 645 this paragraph by paying into the retirement trust fund an  
 646 amount equal to the total actuarial cost of providing the  
 647 additional benefit resulting from such past-service credit,  
 648 discounted by the applicable actuarial factors to date of  
 649 retirement.

650 Section 8. Subsection (1) and paragraph (e) of subsection  
 651 (2) of section 212.055, Florida Statutes, are amended, and  
 652 subsection (8) is added that section, to read:

653 212.055 Discretionary sales surtaxes; legislative intent;  
 654 authorization and use of proceeds.--It is the legislative intent  
 655 that any authorization for imposition of a discretionary sales  
 656 surtax shall be published in the Florida Statutes as a  
 657 subsection of this section, irrespective of the duration of the  
 658 levy. Each enactment shall specify the types of counties  
 659 authorized to levy; the rate or rates which may be imposed; the  
 660 maximum length of time the surtax may be imposed, if any; the  
 661 procedure which must be followed to secure voter approval, if  
 662 required; the purpose for which the proceeds may be expended;  
 663 and such other requirements as the Legislature may provide.  
 664 Taxable transactions and administrative procedures shall be as  
 665 provided in s. 212.054.

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



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667 (a) Each charter county which adopted a charter prior to  
 668 January 1, 1984, and each county the government of which is  
 669 consolidated with that of one or more municipalities, may levy a  
 670 discretionary sales surtax, subject to approval by a majority  
 671 vote of the electorate of the county or by a charter amendment  
 672 approved by a majority vote of the electorate of the county.

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

674 (c) The proposal to adopt a discretionary sales surtax as  
 675 provided in this subsection and to create a trust fund within  
 676 the county accounts shall be placed on the ballot in accordance  
 677 with law at a time to be set at the discretion of the governing  
 678 body or pursuant to initiative petition if provided for in the  
 679 county's charter.

680 (d) Proceeds from the surtax shall be applied to as many  
 681 or as few of the uses enumerated in this paragraph below in  
 682 whatever combination the county commission deems appropriate:

683 1. Deposited by the county in the trust fund to ~~and shall~~  
 684 be used for the purposes of development, construction,  
 685 equipment, maintenance, operation, supportive services,  
 686 including a countywide bus system, and related costs of a fixed  
 687 guideway rapid transit system.†

688 2. Remitted by the governing body of the county to an  
 689 expressway or transportation authority created by law to be  
 690 used, at the discretion of such authority, for the development,  
 691 construction, operation, or maintenance of roads or bridges in  
 692 the county;† for the operation and maintenance of a bus system;†  
 693 and† for the payment of principal and interest on existing bonds  
 694 issued for the construction of such roads or bridges;† and, upon

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695 approval by the county commission, such proceeds may be pledged  
696 for bonds issued to refinance existing bonds or new bonds issued  
697 for the construction of such roads or bridges.†

698 3. Used by the charter county for the development,  
699 construction, operation, and maintenance of roads and bridges in  
700 the county; for the expansion, operation, and maintenance of bus  
701 and fixed guideway systems; and for the payment of principal and  
702 interest on bonds issued for the construction of fixed guideway  
703 rapid transit systems, bus systems, roads, or bridges; and such  
704 proceeds may be pledged by the governing body of the county for  
705 bonds issued to refinance existing bonds or new bonds issued for  
706 the construction of such fixed guideway rapid transit systems,  
707 bus systems, roads, or bridges and no more than 25 percent used  
708 for nontransit uses.† ~~and~~

709 4. Used by the charter county for the planning,  
710 development, construction, operation, and maintenance of roads  
711 and bridges in the county; for the planning, development,  
712 expansion, operation, and maintenance of bus and fixed guideway  
713 systems; and for the payment of principal and interest on bonds  
714 issued for the construction of fixed guideway rapid transit  
715 systems, bus systems, roads, or bridges; and such proceeds may  
716 be pledged by the governing body of the county for bonds issued  
717 to refinance existing bonds or new bonds issued for the  
718 construction of such fixed guideway rapid transit systems, bus  
719 systems, roads, or bridges. Pursuant to an interlocal agreement  
720 entered into pursuant to chapter 163, the governing body of the  
721 charter county may distribute proceeds from the tax to a  
722 municipality, or an expressway or transportation authority

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723 created by law to be expended for the purpose authorized by this  
724 paragraph.

725 5. Used by the charter county to fund regionally  
726 significant transportation projects that are identified in a  
727 regional transportation plan developed in accordance with s.  
728 339.155(5) or to provide matching funds for the Transportation  
729 Regional Incentive Program in accordance with s. 339.2819 or the  
730 New Starts Transit Program as provided in s. 341.051.

731 6. Used by the charter county to fund projects identified  
732 in a capital improvements element of a comprehensive plan that  
733 has been determined to be in compliance with part II of chapter  
734 163 or to implement a long-term concurrency management system  
735 adopted by a local government in accordance with s. 163.3177(3)  
736 or (9).

737 7. Used by the charter county to fund projects that are  
738 part of the Strategic Intermodal System.

739 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

740 (e) School districts, counties, and municipalities  
741 receiving proceeds under the provisions of this subsection may  
742 pledge such proceeds for the purpose of servicing new bond  
743 indebtedness incurred pursuant to law. Local governments may use  
744 the services of the Division of Bond Finance of the State Board  
745 of Administration pursuant to the State Bond Act to issue any  
746 bonds through the provisions of this subsection. ~~In no case may~~  
747 ~~a jurisdiction issue bonds pursuant to this subsection more~~  
748 ~~frequently than once per year.~~ Counties and municipalities may  
749 join together for the issuance of bonds authorized by this  
750 subsection.

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751 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

752 (a) The governing authority of a county that is not  
753 authorized to levy a discretionary sales surtax pursuant to  
754 subsection (1) may levy a discretionary sales surtax pursuant to  
755 ordinance enacted by a majority of the members of the county  
756 governing authority and subject to approval by a majority vote  
757 of the electorate of the county.

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

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

764 (d) Proceeds from the surtax shall be distributed to the  
765 county and to each municipality within the county in which the  
766 surtax is collected according to:

767 1. A separate interlocal agreement between the county  
768 governing body and the governing body of any municipality within  
769 the county; or

770 2. If there is no interlocal agreement between the county  
771 governing body and the governing body of any municipality within  
772 the county, an apportionment factor for each eligible local  
773 government as specified in this subparagraph.

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

776 (I) Each eligible county's population in the  
777 unincorporated areas of the county as a percentage of the total  
778 county population as determined pursuant to s. 186.901.

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779 (II) Each eligible county's percentage of centerline miles  
780 derived from the combined total number of centerline miles owned  
781 and maintained by the county and each municipality within the  
782 county as annually reported in the City/County Mileage Report  
783 promulgated by the Transportation Statistics Office within the  
784 Department of Transportation.

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

787 (I) Each eligible municipality's population as a  
788 percentage of the total county population as determined pursuant  
789 to s. 186.901.

790 (II) Each eligible municipality's percentage of centerline  
791 miles derived from the combined total number of centerline miles  
792 owned and maintained by the county and each municipality within  
793 the county as annually reported in the City/County Mileage  
794 Report promulgated by the Transportation Statistics Office  
795 within the Department of Transportation.

796 (e) Proceeds from the surtax shall be applied to as many  
797 or as few of the uses enumerated in this paragraph in whatever  
798 combination the governing body of the municipality or the county  
799 considers appropriate:

800 1. Deposited by the governing body of the municipality or  
801 the county in the trust fund to be used for the purposes of  
802 development, construction, equipment, maintenance, operation,  
803 supportive services, including a bus system, and related costs  
804 of a fixed guideway rapid transit system.

805 2. Remitted by the governing body of the municipality or  
806 the county to an expressway or transportation authority created

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807 by law to be used, at the discretion of such authority, for the  
808 development, construction, operation, or maintenance of roads,  
809 bicycle and pedestrian facilities, or bridges in the county or  
810 municipality; for the operation and maintenance of a bus system;  
811 and for the payment of principal and interest on existing bonds  
812 issued for the construction of such roads, bicycle or pedestrian  
813 facilities, or bridges; and, upon approval by the governing body  
814 of the municipality or county, such proceeds may be pledged for  
815 bonds issued to refinance existing bonds or new bonds issued for  
816 the construction of such roads, bicycle and pedestrian  
817 facilities, or bridges.

818 3. Used by the governing body of the municipality or  
819 county for the planning, development, construction, operation,  
820 and maintenance of roads, bicycle and pedestrian facilities, or  
821 bridges in the municipality or county; for the planning,  
822 development, expansion, operation, and maintenance of bus and  
823 fixed guideway systems; and for the payment of principal and  
824 interest on bonds issued for the construction of fixed guideway  
825 rapid transit systems, bus systems, roads, bicycle and  
826 pedestrian facilities, or bridges; and, upon approval by the  
827 governing body of the municipality or county, such proceeds may  
828 be pledged by the governing body of the municipality or county  
829 for bonds issued to refinance existing bonds or new bonds issued  
830 for the construction of such fixed guideway rapid transit  
831 systems, bus systems, roads, bicycle and pedestrian facilities,  
832 or bridges.

833 4. Used by the county or municipality to fund regionally  
834 significant transportation projects that are identified in a

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835 regional transportation plan developed in accordance with s.  
 836 339.155(5) or to provide matching funds for the Transportation  
 837 Regional Incentive Program in accordance with s. 339.2819 or the  
 838 New Starts Transit Program as provided in s. 341.051.

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

845 6. Used by the county or municipality to fund projects  
 846 that are part of the Strategic Intermodal System.

847 Section 9. Section 212.0606, Florida Statutes, is amended  
 848 to read:

849 212.0606 Rental car surcharge.--

850 (1) A surcharge of \$2 ~~\$2.00~~ per day or any part of a day  
 851 is imposed upon the lease or rental of a motor vehicle licensed  
 852 for hire and designed to carry fewer ~~less~~ than nine passengers,  
 853 regardless of whether such motor vehicle is licensed in Florida.  
 854 The surcharge applies to only the first 30 days of the term of  
 855 any lease or rental and. ~~The surcharge~~ is subject to all  
 856 applicable taxes imposed by this chapter.

857 (2) (a) Notwithstanding s. ~~the provisions of section~~  
 858 212.20, and less costs of administration, 80 percent of the  
 859 proceeds of the this surcharge imposed under subsection (1)  
 860 shall be deposited in the State Transportation Trust Fund, 15.75  
 861 percent of the proceeds of this surcharge shall be deposited in  
 862 the Tourism Promotional Trust Fund created in s. 288.122, and

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863 4.25 percent of the proceeds of this surcharge shall be  
864 deposited in the Florida International Trade and Promotion Trust  
865 Fund. As used in ~~For the purposes of~~ this subsection, "proceeds"  
866 of the surcharge means all funds collected and received by the  
867 department under subsection (1) ~~this section~~, including interest  
868 and penalties on delinquent surcharges. The department shall  
869 provide the Department of Transportation rental car surcharge  
870 revenue information for the previous state fiscal year by  
871 September 1 of each year.

872 (b) Notwithstanding any other provision of law, in fiscal  
873 year 2007-2008 and each year thereafter, the proceeds deposited  
874 in the State Transportation Trust Fund shall be allocated on an  
875 annual basis in the Department of Transportation's work program  
876 to each department district, except the Turnpike District. The  
877 amount allocated for each district shall be based upon the  
878 amount of proceeds attributed to the counties within each  
879 respective district.

880 (3) (a) In addition to the surcharge imposed under  
881 subsection (1), a county may provide by ordinance, to be  
882 approved by countywide referendum, for the imposition of a local  
883 surcharge of \$2 per day or any part of a day upon the lease or  
884 rental of a motor vehicle licensed for hire and designed to  
885 carry fewer than nine passengers, regardless of whether such  
886 motor vehicle is licensed in this state. The local surcharge may  
887 be applied to only the first 30 days of the term of any lease or  
888 rental. The local surcharge shall not apply to the lease or  
889 rental of a motor vehicle by a person for the period of time  
890 required to have a motor vehicle owned by the person undergo



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891 maintenance or repair. The person must provide a receipt for the  
892 cost of the maintenance or repair services and documentation  
893 that the person owns the motor vehicle undergoing maintenance or  
894 repair. The local surcharge is subject to all applicable taxes  
895 imposed by this chapter.

896 (b) If the ordinance authorizing the imposition of the  
897 local surcharge is approved by such referendum, a certified copy  
898 of the ordinance shall be furnished by the county to the  
899 department within 10 days after such approval, but no later than  
900 November 16 prior to the effective date. The notice must specify  
901 the time period during which the local surcharge will be in  
902 effect and must include a copy of the ordinance and such other  
903 information as the department may require by rule. Failure to  
904 timely provide such notification to the department shall result  
905 in the delay of the effective date for a period of 1 year. The  
906 effective date for any county to impose the local surcharge  
907 shall be January 1 following the year in which the ordinance was  
908 approved by referendum. A local surcharge may not terminate on a  
909 date other than December 31.

910 (c) Any local surcharge proceeds collected by a dealer  
911 that fails to report surcharge collections by county as required  
912 by paragraph (4)(b) shall be deposited into the Solid Waste  
913 Management Trust Fund and then transferred to the Local Option  
914 Fuel Tax Trust Fund as separate from the county surcharge  
915 collection accounts. The department shall distribute funds in  
916 this account, less the cost of administration, using a  
917 distribution factor determined for each county that levies a  
918 local surcharge, based upon the county's latest official

919 population determined pursuant to s. 186.901 and multiplied by  
920 the amount of funds in the account and available for  
921 distribution.

922 (d) Notwithstanding s. 212.20, and less the costs of  
923 administration, the proceeds of the local surcharge imposed  
924 under paragraph (a) shall be transferred to the Local Option  
925 Fuel Tax Trust Fund for the purposes allowed under s. 206.60 and  
926 distributed monthly by the department under s. 336.025(3)(a)1.  
927 or s. 336.025(4)(a). As used in this subsection, "proceeds" of  
928 the local surcharge means all funds collected and received by  
929 the department under this subsection, including interest and  
930 penalties on delinquent local surcharges.

931 (4)(3)(a) Except as provided in this section, the  
932 department shall administer, collect, and enforce the surcharge  
933 and local surcharge as provided in this chapter.

934 (b) The department shall require dealers to report  
935 surcharge and local surcharge collections according to the  
936 county to which the surcharge and local surcharge were ~~was~~  
937 attributed. For purposes of this section, the surcharge and  
938 local surcharge shall be attributed to the county where the  
939 rental agreement was entered into.

940 (c) Dealers who collect a ~~the~~ rental car surcharge shall  
941 report to the department all surcharge and local surcharge  
942 revenues attributed to the county where the rental agreement was  
943 entered into on a timely filed return for each required  
944 reporting period. The provisions of this chapter which apply to  
945 interest and penalties on delinquent taxes shall apply to the  
946 surcharge and local surcharge. The surcharge and local surcharge

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947 shall not be included in the calculation of estimated taxes  
948 pursuant to s. 212.11. The dealer's credit provided in s. 212.12  
949 shall not apply to any amount collected under this section.

950 (5)-(4) The surcharge and any local surcharge imposed by  
951 this section do ~~does~~ not apply to a motor vehicle provided at no  
952 charge to a person whose motor vehicle is being repaired,  
953 adjusted, or serviced by the entity providing the replacement  
954 motor vehicle.

955 Section 10. Subsection (1) of section 215.615, Florida  
956 Statutes, is amended to read:

957 215.615 Fixed-guideway transportation systems funding.--

958 (1) The issuance of revenue bonds by the Division of Bond  
959 Finance, on behalf of the Department of Transportation, pursuant  
960 to s. 11, Art. VII of the State Constitution, is authorized,  
961 pursuant to the State Bond Act, to finance or refinance fixed  
962 capital expenditures for fixed-guideway transportation systems,  
963 as defined in s. 341.031, including facilities appurtenant  
964 thereto, costs of issuance, and other amounts relating to such  
965 financing or refinancing. ~~Such revenue bonds shall be matched on~~  
966 ~~a 50-50 basis with funds from sources other than revenues of the~~  
967 ~~Department of Transportation, in a manner acceptable to the~~  
968 ~~Department of Transportation.~~ The Division of Bond Finance is  
969 authorized to consider innovative financing techniques  
970 ~~technologies~~ which may include, but are not limited to,  
971 innovative bidding and structures of potential financings  
972 ~~findings~~ that may result in negotiated transactions. The  
973 following conditions apply to the issuance of revenue bonds for  
974 fixed-guideway transportation systems:

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975 (a) The department and any participating commuter rail  
976 authority or regional transportation authority established under  
977 chapter 343, local governments, or local governments  
978 collectively by interlocal agreement having jurisdiction of a  
979 fixed-guideway transportation system may enter into an  
980 interlocal agreement to promote the efficient and cost-effective  
981 financing or refinancing of fixed-guideway transportation system  
982 projects by revenue bonds issued pursuant to this subsection.  
983 The terms of such interlocal agreements shall include provisions  
984 for the Department of Transportation to request the issuance of  
985 the bonds on behalf of the parties; shall provide that after  
986 reimbursement pursuant to interlocal agreement, the department's  
987 share may be up to 50 percent of the eligible project cost,  
988 which may include a share of annual ~~each party to the agreement~~  
989 ~~is contractually liable for an equal share of funding an amount~~  
990 ~~equal to the debt service requirements of such bonds; and shall~~  
991 include any other terms, provisions, or covenants necessary to  
992 the making of and full performance under such interlocal  
993 agreement. Repayments made to the department under any  
994 interlocal agreement are not pledged to the repayment of bonds  
995 issued hereunder, and failure of the local governmental  
996 authority to make such payment shall not affect the obligation  
997 of the department to pay debt service on the bonds.

998 (b) Revenue bonds issued pursuant to this subsection shall  
999 not constitute a general obligation of, or a pledge of the full  
1000 faith and credit of, the State of Florida. Bonds issued pursuant  
1001 to this section shall be payable from funds available pursuant  
1002 to s. 206.46(3), subject to annual appropriation. The amount of

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1003 revenues available for debt service shall never exceed a maximum  
1004 of 2 percent of all state revenues deposited into the State  
1005 Transportation Trust Fund.

1006 (c) The projects to be financed or refinanced with the  
1007 proceeds of the revenue bonds issued hereunder are designated as  
1008 state fixed capital outlay projects for purposes of s. 11(d),  
1009 Art. VII of the State Constitution, and the specific projects to  
1010 be financed or refinanced shall be determined by the Department  
1011 of Transportation in accordance with state law and  
1012 appropriations from the State Transportation Trust Fund. Each  
1013 project to be financed with the proceeds of the bonds issued  
1014 pursuant to this subsection must first be approved by the  
1015 Legislature by an act of general law.

1016 (d) Any complaint for validation of bonds issued pursuant  
1017 to this section shall be filed in the circuit court of the  
1018 county where the seat of state government is situated, the  
1019 notice required to be published by s. 75.06 shall be published  
1020 only in the county where the complaint is filed, and the  
1021 complaint and order of the circuit court shall be served only on  
1022 the state attorney of the circuit in which the action is  
1023 pending.

1024 (e) The state does hereby covenant with holders of such  
1025 revenue bonds or other instruments of indebtedness issued  
1026 hereunder, that it will not repeal or impair or amend these  
1027 provisions in any manner that will materially and adversely  
1028 affect the rights of such holders as long as bonds authorized by  
1029 this subsection are outstanding.

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1030 (f) This subsection supersedes any inconsistent provisions  
1031 in existing law.

1032  
1033 Notwithstanding this subsection, the lien of revenue bonds  
1034 issued pursuant to this subsection on moneys deposited into the  
1035 State Transportation Trust Fund shall be subordinate to the lien  
1036 on such moneys of bonds issued under ss. 215.605, 320.20, and  
1037 215.616, and any pledge of such moneys to pay operating and  
1038 maintenance expenses under s. 206.46(5) and chapter 348, as may  
1039 be amended.

1040 Section 11. Subsection (1) of section 311.22, Florida  
1041 Statutes, is amended to read:

1042 311.22 Additional authorization for funding certain  
1043 dredging projects.--

1044 (1) The Florida Seaport Transportation and Economic  
1045 Development Council shall establish a program to fund dredging  
1046 projects in counties having a population of fewer than 300,000  
1047 according to the last official census. Funds made available  
1048 under this program may be used to fund approved projects for the  
1049 dredging or deepening of channels, turning basins, or harbors on  
1050 a 50-50 matching basis with any port authority, as such term is  
1051 defined in s. 315.02(2), which complies with the permitting  
1052 requirements in part IV of chapter 373 and the local financial  
1053 management and reporting provisions of part III of chapter 218.  
1054 Funding for such projects shall require at least a 25-percent  
1055 match of funds received for new channels or turning basins  
1056 pursuant to this section.

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1057 Section 12. Subsection (1) of section 316.605, Florida  
 1058 Statutes, is amended to read:  
 1059 316.605 Licensing of vehicles.--  
 1060 (1) Every vehicle, at all times while driven, stopped, or  
 1061 parked upon any highways, roads, or streets of this state, shall  
 1062 be licensed in the name of the owner thereof in accordance with  
 1063 the laws of this state unless such vehicle is not required by  
 1064 the laws of this state to be licensed in this state and shall,  
 1065 except as otherwise provided in s. 320.0706 for front-end  
 1066 registration license plates on truck tractors and s. 320.086(5)  
 1067 which exempts display of license plates on described former  
 1068 military vehicles, display the license plate or both of the  
 1069 license plates assigned to it by the state, one on the rear and,  
 1070 if two, the other on the front of the vehicle, each to be  
 1071 securely fastened to the vehicle outside the main body of the  
 1072 vehicle not higher than 60 inches and not lower than 12 inches  
 1073 from the ground and in such manner as to prevent the plates from  
 1074 swinging, and all letters, numerals, printing, writing, and  
 1075 other identification marks upon the plates regarding the word  
 1076 "Florida," the registration decal, and the alphanumeric  
 1077 designation shall be clear and distinct and free from  
 1078 defacement, mutilation, grease, and other obscuring matter, so  
 1079 that they will be plainly visible and legible at all times 100  
 1080 feet from the rear or front. Vehicle license plates shall be  
 1081 affixed and displayed in such a manner that the letters and  
 1082 numerals shall be read from left to right parallel to the  
 1083 ground. No vehicle license plate may be displayed in an inverted  
 1084 or reversed position or in such a manner that the letters and

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1085 numbers and their proper sequence are not readily identifiable.  
 1086 Nothing shall be placed upon the face of a Florida plate except  
 1087 as permitted by law or by rule or regulation of a governmental  
 1088 agency. No license plates other than those furnished by the  
 1089 state shall be used. However, if the vehicle is not required to  
 1090 be licensed in this state, the license plates on such vehicle  
 1091 issued by another state, by a territory, possession, or district  
 1092 of the United States, or by a foreign country, substantially  
 1093 complying with the provisions hereof, shall be considered as  
 1094 complying with this chapter. A violation of this subsection is a  
 1095 noncriminal traffic infraction, punishable as a nonmoving  
 1096 violation as provided in chapter 318.

1097 Section 13. Paragraph (b) of subsection (3) of section  
 1098 316.650, Florida Statutes, is amended to read:

1099 316.650 Traffic citations.--

1100 (3)

1101 (b) If a traffic citation is issued pursuant to s.  
 1102 316.1001, a traffic enforcement officer may deposit the original  
 1103 and one copy of such traffic citation or, in the case of a  
 1104 traffic enforcement agency that has an automated citation  
 1105 system, may provide an electronic facsimile with a court having  
 1106 jurisdiction over the alleged offense or with its traffic  
 1107 violations bureau within 45 days after the date of issuance of  
 1108 the citation to the violator. If the person cited for the  
 1109 violation of s. 316.1001 makes the election provided by s.  
 1110 318.14(12) and pays the fine imposed by the toll authority plus  
 1111 the amount of the unpaid toll that is shown on the traffic  
 1112 citation directly to the governmental entity that issued the



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1113 citation in accordance with s. 318.14(12), the traffic citation  
 1114 will not be submitted to the court, the disposition will be  
 1115 reported to the department by the governmental entity that  
 1116 issued the citation, and no points will be assessed against the  
 1117 person's driver's license.

1118 Section 14. Subsection (12) of section 318.14, Florida  
 1119 Statutes, is amended to read:

1120 318.14 Noncriminal traffic infractions; exception;  
 1121 procedures.--

1122 (12) Any person cited for a violation of s. 316.1001 may,  
 1123 in lieu of making an election as set forth in subsection (4) or  
 1124 s. 318.18(7), elect to pay a his or her fine of \$25, or such  
 1125 other amount as imposed by the toll authority, plus the amount  
 1126 of the unpaid toll that is shown on the traffic citation  
 1127 directly to the governmental entity that issued the citation,  
 1128 within 30 days after the date of issuance of the citation. Any  
 1129 person cited for a violation of s. 316.1001 who does not elect  
 1130 to pay the fine imposed by the toll authority plus the amount of  
 1131 the unpaid toll that is shown on the traffic citation directly  
 1132 to the governmental entity that issued the citation as described  
 1133 in this subsection ~~section~~ shall have an additional 45 days  
 1134 after the date of the issuance of the citation in which to  
 1135 request a court hearing or to pay the civil penalty and  
 1136 delinquent fee, if applicable, as provided in s. 318.18(7),  
 1137 either by mail or in person, in accordance with subsection (4).

1138 Section 15. Subsection (7) of section 318.18, Florida  
 1139 Statutes, is amended to read:

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1140           318.18 Amount of civil penalties.--The penalties required  
 1141 for a noncriminal disposition pursuant to s. 318.14 are as  
 1142 follows:  
 1143           (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a  
 1144 violation of s. 316.1001 plus the amount of the unpaid toll  
 1145 shown on the traffic citation for each citation issued. The  
 1146 clerk of the court shall forward \$25 of the \$100 fine received,  
 1147 plus the amount of the unpaid toll that is shown on the  
 1148 citation, to the governmental entity that issued the citation.  
 1149 If a plea arrangement is reached prior to the date set for a  
 1150 scheduled evidentiary hearing, there shall be a mandatory fine  
 1151 assessed per citation of not less than \$50 and not more than  
 1152 \$100, plus the amount of the unpaid toll for each citation  
 1153 issued. The clerk of the court shall forward \$25 of the fine  
 1154 imposed, plus the amount of the unpaid toll that is shown on the  
 1155 citation, to the governmental entity that issued the citation.  
 1156 The court shall have specific authority to consolidate issued  
 1157 citations for the same defendant for the purpose of sentencing  
 1158 and aggregate jurisdiction. In addition, the department shall  
 1159 suspend for 60 days the driver's license of a person who is  
 1160 convicted of 10 violations of s. 316.1001 within a 36-month  
 1161 period. ~~However, a person may elect to pay \$30 to the clerk of~~  
 1162 ~~the court, in which case adjudication is withheld, and no points~~  
 1163 ~~are assessed under s. 322.27. Upon receipt of the fine, the~~  
 1164 ~~clerk of the court must retain \$5 for administrative purposes~~  
 1165 ~~and must forward the \$25 to the governmental entity that issued~~  
 1166 ~~the citation.~~ Any funds received by a governmental entity for

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1167 this violation may be used for any lawful purpose related to the  
1168 operation or maintenance of a toll facility.

1169 Section 16. Section 320.061, Florida Statutes, is amended  
1170 to read:

1171 320.061 Unlawful to alter motor vehicle registration  
1172 certificates, license plates, mobile home stickers, or  
1173 validation stickers or to obscure license plates; penalty.--

1174 (1) No person shall alter the original appearance of any  
1175 registration license plate, mobile home sticker, validation  
1176 sticker, or vehicle registration certificate issued for and  
1177 assigned to any motor vehicle or mobile home, whether by  
1178 mutilation, alteration, defacement, or change of color or in any  
1179 other manner. Any person who violates ~~the provisions of this~~  
1180 subsection commits ~~section is guilty of~~ a misdemeanor of the  
1181 second degree, punishable as provided in s. 775.082 or s.  
1182 775.083.

1183 (2) (a) No person shall apply or attach any substance,  
1184 reflective matter, illuminated device, spray, coating, covering,  
1185 or other material onto or around any license plate that  
1186 interferes with the legibility, angular visibility, or  
1187 detectability of any feature or detail on the license plate or  
1188 interferes with the ability to photograph or otherwise record  
1189 any feature or detail on the license plate. The advertising,  
1190 sale, distribution, purchase, or use of any product made for the  
1191 purpose of interfering with the legibility, angular visibility,  
1192 or detectability of any feature or detail on a license plate or  
1193 interfering with the ability to photograph or otherwise record  
1194 any feature or detail on a license plate is prohibited. Any

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1195 person who violates this paragraph commits a misdemeanor of the  
 1196 second degree, punishable as provided in s. 775.082 or s.  
 1197 775.083.

1198 (b) If a state or local law enforcement officer having  
 1199 jurisdiction observes that a cover or other device is  
 1200 obstructing the visibility or electronic image recording of a  
 1201 license plate, the officer shall issue a uniform traffic  
 1202 citation and shall confiscate the cover or other device that  
 1203 obstructs the visibility or electronic image recording of the  
 1204 plate. If a state or local law enforcement officer having  
 1205 jurisdiction observes that a license plate has been physically  
 1206 treated with a substance, reflective matter, spray, coating, or  
 1207 other material that is obstructing the visibility or electronic  
 1208 image recording of the plate, the officer shall issue a uniform  
 1209 traffic citation and shall confiscate the plate. The department  
 1210 shall revoke the registration of any plate that has been found  
 1211 by a court to have been physically altered with any chemical or  
 1212 reflective substance or coating that obstructs the visibility or  
 1213 electronic image recording of the plate.

1214 (c) The Attorney General may file suit against any  
 1215 individual or entity offering or marketing the sale of,  
 1216 including via the Internet, any product advertised as having the  
 1217 capacity to obstruct the visibility or electronic image  
 1218 recording of a license plate. In addition to injunctive and  
 1219 monetary relief, punitive damages, and attorney's fees, the suit  
 1220 shall also seek a full accounting of the records of all sales to  
 1221 residents of or entities within this state.

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1222 Section 17. Subsections (3) and (4) of section 320.20,  
1223 Florida Statutes, are amended, subsection (5) is renumbered as  
1224 subsection (6), and a new subsection (5) is added to that  
1225 section, to read:

1226 320.20 Disposition of license tax moneys.--The revenue  
1227 derived from the registration of motor vehicles, including any  
1228 delinquent fees and excluding those revenues collected and  
1229 distributed under the provisions of s. 320.081, must be  
1230 distributed monthly, as collected, as follows:

1231 (3) Notwithstanding any other provision of law except  
1232 subsections (1) and (2), on July 1, 1996, and annually  
1233 thereafter, \$15 million shall be deposited in the State  
1234 Transportation Trust Fund solely for the purposes of funding the  
1235 Florida Seaport Transportation and Economic Development Program  
1236 as provided for in chapter 311. Such revenues shall be  
1237 distributed on a 50-50 matching basis to any port listed in s.  
1238 311.09(1) to be used for funding projects as described in s.  
1239 311.07(3)(b). Such revenues may be assigned, pledged, or set  
1240 aside as a trust for the payment of principal or interest on  
1241 bonds, tax anticipation certificates, or any other form of  
1242 indebtedness issued by an individual port or appropriate local  
1243 government having jurisdiction thereof, or collectively by  
1244 interlocal agreement among any of the ports, or used to purchase  
1245 credit support to permit such borrowings. However, such debt  
1246 shall not constitute a general obligation of the State of  
1247 Florida. The state does hereby covenant with holders of such  
1248 revenue bonds or other instruments of indebtedness issued  
1249 hereunder that it will not repeal or impair or amend this

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1250 | subsection in any manner that ~~which~~ will materially and  
 1251 | adversely affect the rights of such holders so long as bonds  
 1252 | authorized by this section are outstanding. Any revenues that  
 1253 | ~~which~~ are not pledged to the repayment of bonds as authorized by  
 1254 | this section may be utilized for purposes authorized under the  
 1255 | Florida Seaport Transportation and Economic Development Program.  
 1256 | This revenue source is in addition to any amounts provided for  
 1257 | and appropriated in accordance with s. 311.07. The Florida  
 1258 | Seaport Transportation and Economic Development Council shall  
 1259 | submit to the Department of Transportation a list of recommended  
 1260 | ~~approve distribution of funds to ports for projects that which~~  
 1261 | have been identified ~~approved~~ pursuant to s. 311.09(5)-(9). The  
 1262 | Department of Transportation shall approve the final  
 1263 | distribution of funds and include the selected projects for  
 1264 | funding in the tentative work program developed pursuant to s.  
 1265 | 339.135. The council and the Department of Transportation are  
 1266 | authorized to perform such acts as are required to facilitate  
 1267 | and implement the provisions of this subsection. To better  
 1268 | enable the ports to cooperate to their mutual advantage, the  
 1269 | governing body of each port may exercise powers provided to  
 1270 | municipalities or counties in s. 163.01(7)(d) subject to the  
 1271 | provisions of chapter 311 and special acts, if any, pertaining  
 1272 | to a port. The use of funds provided pursuant to this subsection  
 1273 | are limited to eligible projects listed in this subsection.  
 1274 | Income derived from a project completed with the use of program  
 1275 | funds, beyond operating costs and debt service, shall be  
 1276 | restricted to further port capital improvements consistent with  
 1277 | maritime purposes and for no other purpose. Use of such income

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1278 | for nonmaritime purposes is prohibited. The provisions of s.  
 1279 | 311.07(4) do not apply to any funds received pursuant to this  
 1280 | subsection. The revenues available under this subsection shall  
 1281 | not be pledged to the payment of any bonds other than the  
 1282 | Florida Ports Financing Commission Series 1996 and Series 1999  
 1283 | Bonds currently outstanding; ~~provided,~~ however, such revenues  
 1284 | may be pledged to secure payment of refunding bonds to refinance  
 1285 | the Florida Ports Financing Commission Series 1996 and Series  
 1286 | 1999 Bonds. ~~No refunding bonds secured by revenues available~~  
 1287 | ~~under this subsection may be issued with a final maturity later~~  
 1288 | ~~than the final maturity of the Florida Ports Financing~~  
 1289 | ~~Commission Series 1996 and Series 1999 Bonds or which provide~~  
 1290 | ~~for higher debt service in any year than is currently payable on~~  
 1291 | ~~such bonds.~~ Any revenue bonds or other indebtedness issued after  
 1292 | July 1, 2000, including ~~other than~~ refunding bonds, shall be  
 1293 | issued by the Division of Bond Finance at the request of the  
 1294 | Department of Transportation pursuant to the State Bond Act.

1295 |       (4) Notwithstanding any other provision of law except  
 1296 | subsections (1), (2), and (3), on July 1, 1999, and annually  
 1297 | thereafter, \$10 million shall be deposited in the State  
 1298 | Transportation Trust Fund solely for the purposes of funding the  
 1299 | Florida Seaport Transportation and Economic Development Program  
 1300 | as provided in chapter 311 and for funding seaport intermodal  
 1301 | access projects of statewide significance as provided in s.  
 1302 | 341.053. Such revenues shall be distributed to any port listed  
 1303 | in s. 311.09(1), to be used for funding projects as follows:

1304 |       (a) For any seaport intermodal access projects that are  
 1305 | identified in the 1997-1998 Tentative Work Program of the

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1306 Department of Transportation, up to the amounts needed to offset  
1307 the funding requirements of this section.

1308 (b) For seaport intermodal access projects as described in  
1309 s. 341.053(5) that are identified in the 5-year Florida Seaport  
1310 Mission Plan as provided in s. 311.09(3). Funding for such  
1311 projects shall be on a matching basis as mutually determined by  
1312 the Florida Seaport Transportation and Economic Development  
1313 Council and the Department of Transportation, provided a minimum  
1314 of 25 percent of total project funds shall come from any port  
1315 funds, local funds, private funds, or specifically earmarked  
1316 federal funds.

1317 (c) On a 50-50 matching basis for projects as described in  
1318 s. 311.07(3)(b).

1319 (d) For seaport intermodal access projects that involve  
1320 the dredging or deepening of channels, turning basins, or  
1321 harbors; or the rehabilitation of wharves, docks, or similar  
1322 structures. Funding for such projects shall require a 25 percent  
1323 match of the funds received pursuant to this subsection.  
1324 Matching funds shall come from any port funds, federal funds,  
1325 local funds, or private funds.

1326  
1327 Such revenues may be assigned, pledged, or set aside as a trust  
1328 for the payment of principal or interest on bonds, tax  
1329 anticipation certificates, or any other form of indebtedness  
1330 issued by an individual port or appropriate local government  
1331 having jurisdiction thereof, or collectively by interlocal  
1332 agreement among any of the ports, or used to purchase credit  
1333 support to permit such borrowings. However, such debt shall not



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1334 constitute a general obligation of the state. This state does  
1335 hereby covenant with holders of such revenue bonds or other  
1336 instruments of indebtedness issued hereunder that it will not  
1337 repeal or impair or amend this subsection in any manner that  
1338 ~~which~~ will materially and adversely affect the rights of holders  
1339 so long as bonds authorized by this subsection are outstanding.  
1340 Any revenues that are not pledged to the repayment of bonds as  
1341 authorized by this section may be utilized for purposes  
1342 authorized under the Florida Seaport Transportation and Economic  
1343 Development Program. This revenue source is in addition to any  
1344 amounts provided for and appropriated in accordance with s.  
1345 311.07 and subsection (3). The Florida Seaport Transportation  
1346 and Economic Development Council shall submit to the Department  
1347 of Transportation a list of recommended ~~approve distribution of~~  
1348 ~~funds to ports for~~ projects that have been identified ~~approved~~  
1349 pursuant to s. 311.09(5)-(9), or ~~for~~ seaport intermodal access  
1350 projects identified in the 5-year Florida Seaport Mission Plan  
1351 as provided in s. 311.09(3) ~~and mutually agreed upon by the~~  
1352 ~~FSTED Council and the Department of Transportation. The~~  
1353 Department of Transportation shall approve the final  
1354 distribution of funds and include the selected projects for  
1355 funding in the tentative work program developed pursuant to s.  
1356 339.135. All contracts for actual construction of projects  
1357 authorized by this subsection must include a provision  
1358 encouraging employment of participants in the welfare transition  
1359 program. The goal for employment of participants in the welfare  
1360 transition program is 25 percent of all new employees employed  
1361 specifically for the project, unless the Department of

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1362 Transportation and the Florida Seaport Transportation and  
1363 Economic Development Council demonstrate that such a requirement  
1364 would severely hamper the successful completion of the project.  
1365 In such an instance, Workforce Florida, Inc., shall establish an  
1366 appropriate percentage of employees that must be participants in  
1367 the welfare transition program. The council and the Department  
1368 of Transportation are authorized to perform such acts as are  
1369 required to facilitate and implement the provisions of this  
1370 subsection. To better enable the ports to cooperate to their  
1371 mutual advantage, the governing body of each port may exercise  
1372 powers provided to municipalities or counties in s. 163.01(7)(d)  
1373 subject to the provisions of chapter 311 and special acts, if  
1374 any, pertaining to a port. The use of funds provided pursuant to  
1375 this subsection is limited to eligible projects listed in this  
1376 subsection. The provisions of s. 311.07(4) do not apply to any  
1377 funds received pursuant to this subsection. The revenues  
1378 available under this subsection shall not be pledged to the  
1379 payment of any bonds other than the Florida Ports Financing  
1380 Commission Series 1996 and Series 1999 Bonds currently  
1381 outstanding; ~~provided,~~ however, such revenues may be pledged to  
1382 secure payment of refunding bonds to refinance the Florida Ports  
1383 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~  
1384 ~~refunding bonds secured by revenues available under this~~  
1385 ~~subsection may be issued with a final maturity later than the~~  
1386 ~~final maturity of the Florida Ports Financing Commission Series~~  
1387 ~~1996 and Series 1999 Bonds or which provide for higher debt~~  
1388 ~~service in any year than is currently payable on such bonds.~~ Any  
1389 revenue bonds or other indebtedness issued after July 1, 2000,

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1390 including ~~other than~~ refunding bonds, shall be issued by the  
1391 Division of Bond Finance at the request of the Department of  
1392 Transportation pursuant to the State Bond Act.

1393 (5) Notwithstanding any other provision of law except  
1394 subsections (1), (2), (3), and (4), on July 1, 2006, and  
1395 annually thereafter, \$5 million shall be deposited in the State  
1396 Transportation Trust Fund solely for the purposes of funding the  
1397 Florida Seaport Transportation and Economic Development Program  
1398 as provided in chapter 311 and funding seaport intermodal access  
1399 projects of statewide significance as provided in s. 341.053.  
1400 Such revenues shall be distributed to any port listed in s.  
1401 311.09(1) to be used for funding projects as follows:

1402 (a) For any seaport intermodal access projects that are  
1403 identified in the Tentative Work Program of the Department of  
1404 Transportation for fiscal years 2006-2007 to 2010-2011, up to  
1405 the amounts needed to offset the funding requirements of this  
1406 section.

1407 (b) For seaport intermodal access projects as described in  
1408 s. 341.053(5) that are identified in the 5-year Florida Seaport  
1409 Mission Plan as provided in s. 311.09(3). Funding for such  
1410 projects shall require at least a 25-percent match of the funds  
1411 received pursuant to this subsection. Matching funds shall come  
1412 from any port funds, federal funds, local funds, or private  
1413 funds.

1414 (c) On a 50-50 matching basis for seaport projects as  
1415 described in s. 311.07(3)(b).

1416 (d) For seaport intermodal access projects that involve  
1417 the dredging or deepening of channels, turning basins, or

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1418 harbors or for the rehabilitation of wharves, docks, or similar  
1419 structures. Funding for such projects shall require at least a  
1420 25-percent match of the funds received pursuant to this  
1421 subsection. Matching funds shall come from any port funds,  
1422 federal funds, local funds, or private funds.  
1423  
1424 Such revenues may be assigned, pledged, or set aside as a trust  
1425 for the payment of principal or interest on bonds, tax  
1426 anticipation certificates, or any other form of indebtedness  
1427 issued by the Division of Bond Finance at the request of the  
1428 Department of Transportation pursuant to the State Bond Act.  
1429 However, such debt shall not constitute a general obligation of  
1430 the state. This state does hereby covenant with holders of such  
1431 revenue bonds or other instruments of indebtedness issued  
1432 hereunder that it will not repeal or impair or amend this  
1433 subsection in any manner that will materially and adversely  
1434 affect the rights of holders so long as bonds authorized by this  
1435 subsection are outstanding. Any revenues that are not pledged to  
1436 the repayment of bonds as authorized by this section may be  
1437 utilized for purposes authorized under the Florida Seaport  
1438 Transportation and Economic Development Program. This revenue  
1439 source is in addition to any amounts provided for and  
1440 appropriated in accordance with s. 311.07 and subsections (3)  
1441 and (4). The Florida Seaport Transportation and Economic  
1442 Development Council shall submit to the Department of  
1443 Transportation a list of recommended projects that have been  
1444 identified pursuant to s. 311.09(5)-(9) or seaport intermodal  
1445 access projects identified in the 5-year Florida Seaport Mission

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1446 | Plan as provided in s. 311.09(3). The Department of  
 1447 | Transportation shall approve the final distribution of funds and  
 1448 | include the selected projects for funding in the tentative work  
 1449 | program developed pursuant to s. 339.135. The council and the  
 1450 | Department of Transportation are authorized to perform such acts  
 1451 | as are required to facilitate and implement the provisions of  
 1452 | this subsection. To better enable the ports to cooperate to  
 1453 | their mutual advantage, the governing body of each port may  
 1454 | exercise powers provided to municipalities or counties in s.  
 1455 | 163.01(7)(d) subject to the provisions of chapter 311 and  
 1456 | special acts, if any, pertaining to a port. The use of funds  
 1457 | provided pursuant to this subsection is limited to eligible  
 1458 | projects listed in this subsection. The provisions of s.  
 1459 | 311.07(4) do not apply to any funds received pursuant to this  
 1460 | subsection.

1461 | Section 18. Paragraph (c) of subsection (6) and subsection  
 1462 | (8) of section 332.007, Florida Statutes, are amended to read:

1463 | 332.007 Administration and financing of aviation and  
 1464 | airport programs and projects; state plan.--

1465 | (6) Subject to the availability of appropriated funds, the  
 1466 | department may participate in the capital cost of eligible  
 1467 | public airport and aviation development projects in accordance  
 1468 | with the following rates, unless otherwise provided in the  
 1469 | General Appropriations Act or the substantive bill implementing  
 1470 | the General Appropriations Act:

1471 | (c) When federal funds are not available, the department  
 1472 | may fund up to 80 percent of master planning and eligible  
 1473 | aviation development projects at publicly owned, publicly

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1474 | operated airports. If federal funds are available but  
 1475 | insufficient to meet the maximum authorized federal share, the  
 1476 | department may fund up to 80 percent of the nonfederal share of  
 1477 | such projects. Such funding is limited to airports that have no  
 1478 | scheduled commercial service.

1479 |       (8) Notwithstanding any other provision of law to the  
 1480 | contrary, the department is authorized to provide operational  
 1481 | and maintenance assistance to publicly owned public-use  
 1482 | airports. Such assistance shall be to comply with enhanced  
 1483 | federal security requirements or to address related economic  
 1484 | impacts from the events of September 11, 2001. For projects in  
 1485 | the current adopted work program, or projects added using the  
 1486 | available budget of the department, airports may request the  
 1487 | department change the project purpose in accordance with this  
 1488 | provision notwithstanding the provisions of s. 339.135(7). For  
 1489 | purposes of this subsection, the department may fund up to 100  
 1490 | percent of eligible project costs that are not funded by the  
 1491 | Federal Government. Prior to releasing any funds under this  
 1492 | section, the department shall review and approve the expenditure  
 1493 | plans submitted by the airport. The department shall inform the  
 1494 | Legislature of any change that it approves under this  
 1495 | subsection. This subsection shall expire on June 30, 2012 ~~2007~~.

1496 |       Section 19. Section 336.044, Florida Statutes, is  
 1497 | renumbered as section 334.70, Florida Statutes, and amended to  
 1498 | read:

1499 |       334.70 ~~336.044~~ Use of recyclable materials in  
 1500 | construction.--

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1501 (1) It is the intent of the Legislature that the  
1502 Department of Transportation continue to expand its current use  
1503 of recovered materials in its construction programs.

1504 (2) The Legislature declares it to be in the public  
1505 interest to find alternative ways to use certain recyclable  
1506 materials that currently are part of the solid waste stream and  
1507 that contribute to problems of declining space in landfills. To  
1508 determine the feasibility of using certain recyclable materials  
1509 for paving materials, the department may undertake demonstration  
1510 projects using the following materials in road construction:

1511 (a) Ground rubber from automobile tires in road  
1512 resurfacing or subbase materials for roads.†

1513 (b) Ash residue from coal combustion byproducts for  
1514 concrete and ash residue from waste incineration facilities and  
1515 oil combustion byproducts for subbase material.†

1516 (c) Recycled mixed-plastic material for guardrail posts or  
1517 right-of-way fence posts.†

1518 (d) Construction steel, including reinforcing rods and I-  
1519 beams, manufactured from scrap metals disposed of in the state.†  
1520 and

1521 (e) Glass~~†~~ and glass aggregates.

1522 (f) Gypsum.

1523 (3) The department shall review and revise existing bid  
1524 procedures and specifications for the purchase or use of  
1525 products and materials to eliminate any procedures and  
1526 specifications that explicitly discriminate against products and  
1527 materials with recycled content, except where such procedures

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1528 and specifications are necessary to protect the health, safety,  
1529 and welfare of the people of this state.

1530 (4) The department shall review and revise its bid  
1531 procedures and specifications on a continuing basis to encourage  
1532 the use of products and materials with recycled content and  
1533 shall, in developing new procedures and specifications,  
1534 encourage the use of products and materials with recycled  
1535 content.

1536 (5) All agencies shall cooperate with the department in  
1537 carrying out the provisions of this section.

1538 Section 20. Section 335.066, Florida Statutes, is amended  
1539 to read:

1540 335.066 Safe Routes Paths to Schools Program.--

1541 (1) There is established in the Department of  
1542 Transportation the Safe Routes Paths to Schools Program to  
1543 consider the planning, and construction, and promotion of, and  
1544 education regarding, bicycle and pedestrian ways to provide safe  
1545 transportation for children from neighborhoods to schools,  
1546 parks, and the state's greenways and trails system.

1547 (2) As a part of the Safe Routes Paths to Schools Program,  
1548 the department may establish a grant program to fund local,  
1549 regional, and state bicycle and pedestrian projects that support  
1550 the program. The department may establish a clearinghouse for  
1551 information and grant dissemination and shall provide for a  
1552 state coordinator position as required by federal law to receive  
1553 program funding. Where possible, these federal dollars shall be  
1554 added to other state resources to improve transportation options  
1555 for school-aged youth.



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1556 (3) The department may adopt appropriate rules pursuant to  
1557 ss. 120.536(1) and 120.54 for the administration of the Safe  
1558 Routes ~~Paths~~ to Schools Program.

1559 Section 21. Paragraph (f) of subsection (1) and paragraph  
1560 (d) of subsection (2) of section 335.067, Florida Statutes, are  
1561 amended to read:

1562 335.067 Conserve by Bicycle Program.--There is created  
1563 within the Department of Transportation the Conserve by Bicycle  
1564 Program.

1565 (1) The purposes of the Conserve by Bicycle Program are  
1566 to:

1567 (f) Provide safe ways for children to travel from their  
1568 homes to their schools by supporting the Safe Routes ~~Paths~~ to  
1569 Schools Program.

1570 (2) In order to help accomplish these goals, the  
1571 department shall conduct a Conserve by Bicycle study, which  
1572 shall include a determination of the following:

1573 (d) How the Safe Routes ~~Paths~~ to Schools Program and other  
1574 similar programs can reduce school-related commuter traffic,  
1575 which will result in energy and roadway savings as well as  
1576 improve the health of children throughout the state.

1577 Section 22. Subsection (1) of section 1013.33, Florida  
1578 Statutes, is amended to read:

1579 1013.33 Coordination of planning with local governing  
1580 bodies.--

1581 (1) It is the policy of this state to require the  
1582 coordination of planning between boards and local governing  
1583 bodies to ensure that plans for the construction and opening of

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1584 public educational facilities are facilitated and coordinated in  
1585 time and place with plans for residential development,  
1586 concurrently with other necessary services. Such planning shall  
1587 include the integration of the educational facilities plan and  
1588 applicable policies and procedures of a board with the local  
1589 comprehensive plan and land development regulations of local  
1590 governments. The planning must include the consideration of  
1591 allowing students to attend the school located nearest their  
1592 homes when a new housing development is constructed near a  
1593 county boundary and it is more feasible to transport the  
1594 students a short distance to an existing facility in an adjacent  
1595 county than to construct a new facility or transport students  
1596 longer distances in their county of residence. The planning must  
1597 also consider the effects of the location of public education  
1598 facilities, including the feasibility of keeping central city  
1599 facilities viable, in order to encourage central city  
1600 redevelopment and the efficient use of infrastructure and to  
1601 discourage uncontrolled urban sprawl. In addition, all parties  
1602 to the planning process must consult with state and local road  
1603 departments to assist in implementing the Safe Routes ~~Paths~~ to  
1604 Schools program administered by the Department of  
1605 Transportation.

1606 Section 23. Subsection (2) of section 1013.351, Florida  
1607 Statutes, is amended to read:

1608 1013.351 Coordination of planning between the Florida  
1609 School for the Deaf and the Blind and local governing bodies.--

1610 (2) It is the policy of this state to require the board of  
1611 trustees to coordinate planning for new facilities with local

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1612 governments to ensure that plans for site acquisition,  
 1613 construction, and opening of new facilities of the school are  
 1614 facilitated, concurrent with other necessary services. The  
 1615 planning shall include the integration of the educational plant  
 1616 survey for the school and applicable policies and procedures of  
 1617 the board of trustees with the local comprehensive plan and land  
 1618 development regulations of the local governments. The planning  
 1619 must consider the effect of the location of new facilities to be  
 1620 located on property acquired on or after January 1, 1998,  
 1621 including the efficient use of local infrastructure, the  
 1622 proximity of the proposed new facilities to the school's  
 1623 existing campus, and the effect and impact of any property  
 1624 proposed to be acquired by the school after the effective date  
 1625 of this act. In addition, all parties to the planning process  
 1626 must consult with state and local road departments to assist in  
 1627 implementing the Safe Routes ~~Paths~~ to Schools Program  
 1628 administered by the Department of Transportation.

1629 Section 24. Paragraph (c) of subsection (1) of section  
 1630 336.025, Florida Statutes, is amended to read:

1631 336.025 County transportation system; levy of local option  
 1632 fuel tax on motor fuel and diesel fuel.--

1633 (1)

1634 (c) Local governments may use the services of the Division  
 1635 of Bond Finance of the State Board of Administration pursuant to  
 1636 the State Bond Act to issue any bonds through the provisions of  
 1637 this section and may pledge the revenues from local option fuel  
 1638 taxes to secure the payment of the bonds. ~~In no case may a~~  
 1639 ~~jurisdiction issue bonds pursuant to this section more~~

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1640 ~~frequently than once per year.~~ Counties and municipalities may  
1641 join together for the issuance of bonds issued pursuant to this  
1642 section.

1643 Section 25. Section 336.68, Florida Statutes, is created  
1644 to read:

1645 336.68 Special road and bridge district boundaries;  
1646 property owner rights and options.--

1647 (1) The owner of real property located within both the  
1648 boundaries of a community development district created under  
1649 chapter 190 and the boundaries of a special road and bridge  
1650 district created by the alternative method of establishing  
1651 special road and bridge districts previously authorized under  
1652 former ss. 336.61-336.65, s. 336.66, and former 336.67, also  
1653 referred to as chapter 72-385, Laws of Florida, shall have the  
1654 option to select the community development district to be the  
1655 provider of the road and drainage improvements to the property  
1656 of the owner. Having made the selection, the property owner  
1657 shall further have the right to withdraw the property from the  
1658 boundaries of the special road and bridge district under the  
1659 procedures set forth in this section.

1660 (2) To be eligible for withdrawal, the subject property  
1661 shall not have received improvements or benefits from the  
1662 special road and bridge district; there shall be no outstanding  
1663 bonded indebtedness of the special road and bridge district for  
1664 which the property is subject to ad valorem tax levies; and the  
1665 withdrawal of the property shall not create an enclave bounded  
1666 on all sides by the other property within the boundaries of the

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1667 district when the property owner withdraws the property from the  
1668 boundaries of the district.

1669 (3) The election by a property owner to withdraw property  
1670 from the boundaries of a district under this section shall be  
1671 accomplished by filing a certificate in the official records of  
1672 the county in which the property is located. The certificate  
1673 shall identify the name and mailing address of the owner, the  
1674 legal description of the property, the name of the district from  
1675 which the property is being withdrawn, and the general location  
1676 of the property within the district. The certificate shall  
1677 further state that the property has not received benefits from  
1678 the district from which the property is to be withdrawn; that  
1679 there is no bonded indebtedness owed by the district; and that  
1680 the property being withdrawn will not become an enclave within  
1681 the district boundaries.

1682 (4) The property owner shall provide copies of the  
1683 recorded certificate to the governing body of the district from  
1684 which the property is being withdrawn within days 10 days after  
1685 the date that the certificate is recorded. If the district does  
1686 not record an objection to the withdrawal of the property in the  
1687 public records within 30 days after the recording of the  
1688 certificate, identifying the criteria in this section that has  
1689 not been met, the withdrawal shall be final, and the property  
1690 shall be permanently withdrawn from the boundaries of the  
1691 district.

1692 Section 26. Paragraph (a) of subsection (3) of section  
1693 337.11, Florida Statutes, is amended to read:

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1694 |           337.11 Contracting authority of department; bids;  
1695 | emergency repairs, supplemental agreements, and change orders;  
1696 | combined design and construction contracts; progress payments;  
1697 | records; requirements of vehicle registration.--

1698 |           (3)(a) On all construction contracts of \$250,000 or less,  
1699 | and any construction contract of less than \$500,000 for which  
1700 | the department has waived prequalification under s. 337.14, the  
1701 | department shall advertise for bids in a newspaper having  
1702 | general circulation in the county where the proposed work is  
1703 | located. Publication shall be at least once a week for no less  
1704 | than 2 consecutive weeks, and the first publication shall be no  
1705 | less than 14 days prior to the date on which bids are to be  
1706 | received.

1707 |           Section 27. Subsection (1) of section 337.14, Florida  
1708 | Statutes, is amended to read:

1709 |           337.14 Application for qualification; certificate of  
1710 | qualification; restrictions; request for hearing.--

1711 |           (1) Any person desiring to bid for the performance of any  
1712 | construction contract in excess of \$250,000 which the department  
1713 | proposes to let must first be certified by the department as  
1714 | qualified pursuant to this section and rules of the department.  
1715 | The rules of the department shall address the qualification of  
1716 | persons to bid on construction contracts in excess of \$250,000  
1717 | and shall include requirements with respect to the equipment,  
1718 | past record, experience, financial resources, and organizational  
1719 | personnel of the applicant necessary to perform the specific  
1720 | class of work for which the person seeks certification. The  
1721 | department is authorized to limit the dollar amount of any

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1722 contract upon which a person is qualified to bid or the  
 1723 aggregate total dollar volume of contracts such person is  
 1724 allowed to have under contract at any one time. Each applicant  
 1725 seeking qualification to bid on construction contracts in excess  
 1726 of \$250,000 shall furnish the department a statement under oath,  
 1727 on such forms as the department may prescribe, setting forth  
 1728 detailed information as required on the application. Each  
 1729 application for certification shall be accompanied by the latest  
 1730 annual financial statement of the applicant completed within the  
 1731 last 12 months. If the annual financial statement shows the  
 1732 financial condition of the applicant more than 4 months prior to  
 1733 the date on which the application is received by the department,  
 1734 then an interim financial statement must also be submitted. The  
 1735 interim financial statement must cover the period from the end  
 1736 date of the annual statement and must show the financial  
 1737 condition of the applicant no more than 4 months prior to the  
 1738 date on which the application is received by the department.  
 1739 Each required annual or interim financial statement must be  
 1740 audited and accompanied by the opinion of a certified public  
 1741 accountant or a public accountant approved by the department.  
 1742 The information required by this subsection is confidential and  
 1743 exempt from the provisions of s. 119.07(1). The department  
 1744 shall act upon the application for qualification within 30 days  
 1745 after the department determines that the application is  
 1746 complete. The department may waive the requirements of this  
 1747 subsection for projects having a contract price of \$500,000 or  
 1748 less if the department determines that the project is of a

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1749 noncritical nature and the waiver will not endanger public  
1750 health, safety, or property.

1751 Section 28. Paragraph (a) of subsection (1) of section  
1752 337.18, Florida Statutes, is amended to read:

1753 337.18 Surety bonds for construction or maintenance  
1754 contracts; requirement with respect to contract award; bond  
1755 requirements; defaults; damage assessments.--

1756 (1) (a) A surety bond shall be required of the successful  
1757 bidder in an amount equal to the awarded contract price.  
1758 However, the department may choose, in its discretion and  
1759 applicable only to multiyear maintenance contracts, to allow for  
1760 incremental annual contract bonds that cumulatively total the  
1761 full, awarded, multiyear contract price. For a project for which  
1762 the contract price is \$250,000 ~~\$150,000~~ or less, the department  
1763 may waive the requirement for all or a portion of a surety bond  
1764 if it determines the project is of a noncritical nature and  
1765 nonperformance will not endanger public health, safety, or  
1766 property. If the secretary or his designee determines that it is  
1767 in the best interests of the department to reduce the bonding  
1768 requirement for a project and that to do so will not endanger  
1769 public health, safety, or property, the department may waive the  
1770 requirement of a surety bond in an amount equal to the awarded  
1771 contract price for a project having a contract price of \$250  
1772 million or more and, in its place, may set a surety bond amount  
1773 that is a portion of the total contract price and provide an  
1774 alternate means of security for the balance of the contract  
1775 amount that is not covered by the surety bond or provide for  
1776 incremental surety bonding and provide an alternate means of



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1777 security for the balance of the contract amount that is not  
 1778 covered by the surety bond. Such alternative means of security  
 1779 may include letters of credit, United States bonds and notes,  
 1780 parent company guaranties, and cash collateral. The department  
 1781 may require alternate means of security if a surety bond is  
 1782 waived. The surety on such bond shall be a surety company  
 1783 authorized to do business in the state. All bonds shall be  
 1784 payable to the department and conditioned for the prompt,  
 1785 faithful, and efficient performance of the contract according to  
 1786 plans and specifications and within the time period specified,  
 1787 and for the prompt payment of all persons defined in s. 713.01  
 1788 furnishing labor, material, equipment, and supplies for work  
 1789 provided in the contract; however, whenever an improvement,  
 1790 demolition, or removal contract price is \$25,000 or less, the  
 1791 security may, in the discretion of the bidder, be in the form of  
 1792 a cashier's check, bank money order of any state or national  
 1793 bank, certified check, or postal money order. The department  
 1794 shall adopt rules to implement this subsection. Such rules shall  
 1795 include provisions under which the department shall refuse to  
 1796 accept bonds on contracts when a surety wrongfully fails or  
 1797 refuses to settle or provide a defense for claims or actions  
 1798 arising under a contract for which the surety previously  
 1799 furnished a bond.

1800 Section 29. Subsection (3) is added to section 338.161,  
 1801 Florida Statutes, to read:

1802 338.161 Authority of department or toll agencies to  
 1803 advertise and promote electronic toll collection; expanded uses  
 1804 of electronic toll collection system; studies authorized.--

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1805        (3) (a) The department or any toll agency created by  
 1806        statute may incur expenses to advertise or promote its  
 1807        electronic toll collection system to consumers on or off the  
 1808        turnpike or toll system.

1809        (b) If the department or any toll agency created by  
 1810        statute finds that it can increase nontoll revenues or add  
 1811        convenience or other value for its customers, the department or  
 1812        toll agency may enter into agreements with any private or public  
 1813        entity allowing the use of its electronic toll collection system  
 1814        to pay parking fees for vehicles equipped with a transponder or  
 1815        similar device. The department or toll agency may initiate  
 1816        feasibility studies of additional future uses of its electronic  
 1817        toll collection system and make recommendations to the  
 1818        Legislature to authorize such uses.

1819        Section 30. Paragraph (b) of subsection (3) of section  
 1820        338.2216, Florida Statutes, is amended to read:

1821        338.2216 Florida Turnpike Enterprise; powers and  
 1822        authority.--

1823        (3)

1824        (b) Notwithstanding the provisions of s. 216.301 to the  
 1825        contrary and in accordance with s. 216.351, the Executive Office  
 1826        of the Governor shall, on July 1 of each year, certify forward  
 1827        all unexpended funds appropriated or provided pursuant to this  
 1828        section for the turnpike enterprise. Of the unexpended funds  
 1829        certified forward, any unencumbered amounts shall be carried  
 1830        forward. Such funds carried forward shall not exceed 5 percent  
 1831        of the original approved ~~total~~ operating budget, as defined in  
 1832        s. 216.181(1), of the turnpike enterprise. Funds carried forward

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1833 pursuant to this section may be used for any lawful purpose,  
1834 including, but not limited to, promotional and market  
1835 activities, technology, and training. Any certified forward  
1836 funds remaining undisbursed on September 30 ~~December 31~~ of each  
1837 year shall be carried forward.

1838 Section 31. Subsection (1) of section 338.2275, Florida  
1839 Statutes, is amended to read:

1840 338.2275 Approved turnpike projects.--

1841 (1) Legislative approval of the department's tentative  
1842 work program that contains the turnpike project constitutes  
1843 approval to issue bonds as required by s. 11(f), Art. VII of the  
1844 State Constitution. No more than \$6 billion of bonds may be  
1845 outstanding to fund approved turnpike projects. ~~Turnpike~~  
1846 ~~projects approved to be included in future tentative work~~  
1847 ~~programs include, but are not limited to, projects contained in~~  
1848 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~  
1849 ~~of bonds may be issued to fund approved turnpike projects.~~

1850 Section 32. Paragraph (b) of subsection (1), paragraphs  
1851 (a) and (b) of subsection (2), paragraphs (a) and (b) of  
1852 subsection (3), and subsections (5) and (12) of section 339.175,  
1853 Florida Statutes, are amended, and paragraph (e) is added to  
1854 subsection (1) of that section, to read:

1855 339.175 Metropolitan planning organization.--It is the  
1856 intent of the Legislature to encourage and promote the safe and  
1857 efficient management, operation, and development of surface  
1858 transportation systems that will serve the mobility needs of  
1859 people and freight within and through urbanized areas of this  
1860 state while minimizing transportation-related fuel consumption

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1861 and air pollution. To accomplish these objectives, metropolitan  
1862 planning organizations, referred to in this section as M.P.O.'s,  
1863 shall develop, in cooperation with the state and public transit  
1864 operators, transportation plans and programs for metropolitan  
1865 areas. The plans and programs for each metropolitan area must  
1866 provide for the development and integrated management and  
1867 operation of transportation systems and facilities, including  
1868 pedestrian walkways and bicycle transportation facilities that  
1869 will function as an intermodal transportation system for the  
1870 metropolitan area, based upon the prevailing principles provided  
1871 in s. 334.046(1). The process for developing such plans and  
1872 programs shall provide for consideration of all modes of  
1873 transportation and shall be continuing, cooperative, and  
1874 comprehensive, to the degree appropriate, based on the  
1875 complexity of the transportation problems to be addressed. To  
1876 ensure that the process is integrated with the statewide  
1877 planning process, M.P.O.'s shall develop plans and programs that  
1878 identify transportation facilities that should function as an  
1879 integrated metropolitan transportation system, giving emphasis  
1880 to facilities that serve important national, state, and regional  
1881 transportation functions. For the purposes of this section,  
1882 those facilities include the facilities on the Strategic  
1883 Intermodal System designated under s. 339.63 and facilities for  
1884 which projects have been identified pursuant to s. 339.2819(4).

1885 (1) DESIGNATION.--

1886 (b) Each M.P.O. required to be designated by Title 23  
1887 U.S.C. shall be created and operated under the provisions of  
1888 this section pursuant to an interlocal agreement entered into

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1889 | pursuant to s. 163.01. The signatories to the interlocal  
 1890 | agreement shall be the department and the governmental entities  
 1891 | designated by the Governor for membership on the M.P.O. Each  
 1892 | M.P.O. shall be considered separate from the state or the  
 1893 | governing body of a local government which is represented on the  
 1894 | governing board of the M.P.O. or which is a signatory to the  
 1895 | interlocal agreement creating the M.P.O. and shall have such  
 1896 | powers and privileges that are provided pursuant to s. 163.01.

1897 | If there is a conflict between this section and s. 163.01, this  
 1898 | section prevails.

1899 |       (e) The governing body of the M.P.O. shall designate at  
 1900 | least a chair, vice chair, and agency clerk. The chair and vice  
 1901 | chair shall be selected from among the member delegates  
 1902 | comprising the governing board. The agency clerk shall be  
 1903 | charged with the responsibility of preparing meeting minutes and  
 1904 | maintaining agency records. The clerk shall be a member of the  
 1905 | M.P.O. governing board, an employee of the M.P.O., or other  
 1906 | natural person.

1907 |  
 1908 | Each M.P.O. required under this section must be fully operative  
 1909 | no later than 6 months following its designation.

1910 |       (2) VOTING MEMBERSHIP.--

1911 |       (a) The voting membership of an M.P.O. shall consist of  
 1912 | not fewer than 5 or more than 19 apportioned members, the exact  
 1913 | number to be determined on an equitable geographic-population  
 1914 | ratio basis by the Governor, based on an agreement among the  
 1915 | affected units of general-purpose local government as required  
 1916 | by federal rules and regulations. The Governor, in accordance

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1917 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
1918 represent municipalities to alternate with representatives from  
1919 other municipalities within the metropolitan planning area that  
1920 do not have members on the M.P.O. County commission members  
1921 shall compose not less than one-third of the M.P.O. membership,  
1922 except for an M.P.O. with more than 15 members located in a  
1923 county with a 5-member ~~five-member~~ county commission or an  
1924 M.P.O. with 19 members located in a county with no more than 6  
1925 county commissioners, in which case county commission members  
1926 may compose less than one-third percent of the M.P.O.  
1927 membership, but all county commissioners must be members. All  
1928 voting members shall be elected officials of general-purpose  
1929 local governments, except that an M.P.O. may include, as part of  
1930 its apportioned voting members, a member of a statutorily  
1931 authorized planning board, an official of an agency that  
1932 operates or administers a major mode of transportation, or an  
1933 official of the Florida Space Authority. As used in this  
1934 section, elected officials of a general-purpose local government  
1935 shall exclude constitutional officers, including sheriffs, tax  
1936 collectors, supervisors of elections, property appraisers,  
1937 clerks of the court, and similar types of officials. County  
1938 commissioners ~~The county commission~~ shall compose not less than  
1939 20 percent of the M.P.O. membership if an official of an agency  
1940 that operates or administers a major mode of transportation has  
1941 been appointed to an M.P.O.

1942 (b) In metropolitan areas in which authorities or other  
1943 agencies have been or may be created by law to perform  
1944 transportation functions and are performing transportation

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1945 | functions that are not under the jurisdiction of a general-  
 1946 | purpose ~~general-purpose~~ local government represented on the  
 1947 | M.P.O., they shall be provided voting membership on the M.P.O.  
 1948 | In all other M.P.O.'s where transportation authorities or  
 1949 | agencies are to be represented by elected officials from  
 1950 | general-purpose ~~general-purpose~~ local governments, the M.P.O.  
 1951 | shall establish a process by which the collective interests of  
 1952 | such authorities or other agencies are expressed and conveyed.

1953 | (3) APPORTIONMENT.--

1954 | (a) The Governor shall, with the agreement of the affected  
 1955 | units of general-purpose local government as required by federal  
 1956 | rules and regulations, apportion the membership on the  
 1957 | applicable M.P.O. among the various governmental entities within  
 1958 | the area. At the request of a majority of the affected units of  
 1959 | general-purpose local government comprising an M.P.O., the  
 1960 | Governor and a majority of units of general-purpose local  
 1961 | government serving on an M.P.O. shall cooperatively agree upon  
 1962 | and prescribe who may serve as an alternate member and shall  
 1963 | ~~prescribe~~ a method for appointing alternate members who may vote  
 1964 | at any M.P.O. meeting that an alternate member attends in place  
 1965 | of a regular member. The method shall be set forth as a part of  
 1966 | the interlocal agreement describing the M.P.O.'s membership or  
 1967 | in the M.P.O.'s operating procedures and bylaws. An appointed  
 1968 | ~~alternate member must be an elected official serving the same~~  
 1969 | ~~governmental entity or a general-purpose local government with~~  
 1970 | ~~jurisdiction within all or part of the area that the regular~~  
 1971 | ~~member serves.~~ The governmental entity so designated shall  
 1972 | appoint the appropriate number of members to the M.P.O. from

1973 eligible officials. Representatives of the department shall  
 1974 serve as nonvoting members of the M.P.O. governing board.  
 1975 Nonvoting advisers may be appointed by the M.P.O. as deemed  
 1976 necessary; however, to the maximum extent feasible, each M.P.O.  
 1977 shall seek to appoint nonvoting representatives of various  
 1978 multimodal forms of transportation not otherwise represented by  
 1979 voting members of the M.P.O. An M.P.O. shall appoint nonvoting  
 1980 advisers representing major military installations upon the  
 1981 request of the major military installations and subject to the  
 1982 agreement of the M.P.O. All nonvoting advisers may attend and  
 1983 participate fully in governing board meetings but shall not have  
 1984 a vote and shall not be members of the governing board. The  
 1985 Governor shall review the composition of the M.P.O. membership  
 1986 in conjunction with the decennial census as prepared by the  
 1987 United States Department of Commerce, Bureau of the Census, and  
 1988 reapportion it as necessary to comply with subsection (2).

1989 (b) Except for members who represent municipalities on the  
 1990 basis of alternating with representatives from other  
 1991 municipalities that do not have members on the M.P.O. as  
 1992 provided in paragraph (2) (a), the members of an M.P.O. shall  
 1993 serve 4-year terms. Members who represent municipalities on the  
 1994 basis of alternating with representatives from other  
 1995 municipalities that do not have members on the M.P.O. as  
 1996 provided in paragraph (2) (a) may serve terms of up to 4 years as  
 1997 further provided in the interlocal agreement described in  
 1998 paragraph (1) (b). The membership of a member who is a public  
 1999 official automatically terminates upon the member's leaving his  
 2000 or her elective or appointive office for any reason, or may be



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2001 terminated by a majority vote of the total membership of the  
 2002 entity's governing board ~~a county or city governing entity~~  
 2003 represented by the member. A vacancy shall be filled by the  
 2004 original appointing entity. A member may be reappointed for one  
 2005 or more additional 4-year terms.

2006 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
 2007 privileges, and authority of an M.P.O. are those specified in  
 2008 this section or incorporated in an interlocal agreement  
 2009 authorized under s. 163.01. Each M.P.O. shall perform all acts  
 2010 required by federal or state laws or rules, now and subsequently  
 2011 applicable, which are necessary to qualify for federal aid. It  
 2012 is the intent of this section that each M.P.O. shall be involved  
 2013 in the planning and programming of transportation facilities,  
 2014 including, but not limited to, airports, intercity and high-  
 2015 speed rail lines, seaports, and intermodal facilities, to the  
 2016 extent permitted by state or federal law.

2017 (a) Each M.P.O. shall, in cooperation with the department,  
 2018 develop:

2019 1. A long-range transportation plan pursuant to the  
 2020 requirements of subsection (6);

2021 2. An annually updated transportation improvement program  
 2022 pursuant to the requirements of subsection (7); and

2023 3. An annual unified planning work program pursuant to the  
 2024 requirements of subsection (8).

2025 (b) In developing the long-range transportation plan and  
 2026 the transportation improvement program required under paragraph  
 2027 (a), each M.P.O. shall provide for consideration of projects and  
 2028 strategies that will:

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2029           1. Support the economic vitality of the metropolitan area,  
2030 especially by enabling global competitiveness, productivity, and  
2031 efficiency;

2032           2. Increase the safety and security of the transportation  
2033 system for motorized and nonmotorized users;

2034           3. Increase the accessibility and mobility options  
2035 available to people and for freight;

2036           4. Protect and enhance the environment, promote energy  
2037 conservation, and improve quality of life;

2038           5. Enhance the integration and connectivity of the  
2039 transportation system, across and between modes, for people and  
2040 freight;

2041           6. Promote efficient system management and operation; and

2042           7. Emphasize the preservation of the existing  
2043 transportation system.

2044           (c) In order to provide recommendations to the department  
2045 and local governmental entities regarding transportation plans  
2046 and programs, each M.P.O. shall:

2047           1. Prepare a congestion management system for the  
2048 metropolitan area and cooperate with the department in the  
2049 development of all other transportation management systems  
2050 required by state or federal law;

2051           2. Assist the department in mapping transportation  
2052 planning boundaries required by state or federal law;

2053           3. Assist the department in performing its duties relating  
2054 to access management, functional classification of roads, and  
2055 data collection;

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2056 4. Execute all agreements or certifications necessary to  
2057 comply with applicable state or federal law;

2058 5. Represent all the jurisdictional areas within the  
2059 metropolitan area in the formulation of transportation plans and  
2060 programs required by this section; and

2061 6. Perform all other duties required by state or federal  
2062 law.

2063 (d) Each M.P.O. shall appoint a technical advisory  
2064 committee that includes planners; engineers; representatives of  
2065 local aviation authorities, port authorities, and public transit  
2066 authorities or representatives of aviation departments, seaport  
2067 departments, and public transit departments of municipal or  
2068 county governments, as applicable; the school superintendent of  
2069 each county within the jurisdiction of the M.P.O. or the  
2070 superintendent's designee; and other appropriate representatives  
2071 of affected local governments. In addition to any other duties  
2072 assigned to it by the M.P.O. or by state or federal law, the  
2073 technical advisory committee is responsible for considering safe  
2074 access to schools in its review of transportation project  
2075 priorities, long-range transportation plans, and transportation  
2076 improvement programs, and shall advise the M.P.O. on such  
2077 matters. In addition, the technical advisory committee shall  
2078 coordinate its actions with local school boards and other local  
2079 programs and organizations within the metropolitan area which  
2080 participate in school safety activities, such as locally  
2081 established community traffic safety teams. Local school boards  
2082 must provide the appropriate M.P.O. with information concerning

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2083 future school sites and in the coordination of transportation  
2084 service.

2085 (e)1. Each M.P.O. shall appoint a citizens' advisory  
2086 committee, the members of which serve at the pleasure of the  
2087 M.P.O. The membership on the citizens' advisory committee must  
2088 reflect a broad cross section of local residents with an  
2089 interest in the development of an efficient, safe, and cost-  
2090 effective transportation system. Minorities, the elderly, and  
2091 the handicapped must be adequately represented.

2092 2. Notwithstanding the provisions of subparagraph 1., an  
2093 M.P.O. may, with the approval of the department and the  
2094 applicable federal governmental agency, adopt an alternative  
2095 program or mechanism to ensure citizen involvement in the  
2096 transportation planning process.

2097 (f) The department shall allocate to each M.P.O., for the  
2098 purpose of accomplishing its transportation planning and  
2099 programming duties, an appropriate amount of federal  
2100 transportation planning funds.

2101 (g) Each M.P.O. shall have an executive or staff director  
2102 who reports directly to the M.P.O. governing board for all  
2103 matters regarding the administration and operation of the  
2104 M.P.O., and any additional personnel as deemed necessary. The  
2105 executive director and any additional personnel may be employed  
2106 either by an M.P.O. or by another governmental entity, such as a  
2107 county, city, or regional planning council, which has a staff  
2108 services agreement signed and in effect between the M.P.O. and  
2109 that governmental entity. Each M.P.O. may ~~employ personnel or~~  
2110 ~~may~~ enter into contracts with local or state agencies, private

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2111 | planning firms, ~~or~~ private engineering firms, or other public or  
 2112 | private entities to accomplish its transportation planning and  
 2113 | programming duties and administrative functions required by  
 2114 | state or federal law.

2115 | (h) Each M.P.O. shall provide training opportunities for  
 2116 | local elected officials and others who serve on an M.P.O. in  
 2117 | order to enhance their knowledge, effectiveness, and  
 2118 | participation in the urbanized area transportation planning  
 2119 | process. The training opportunities may be conducted by an  
 2120 | individual M.P.O. or through statewide and federal training  
 2121 | programs and initiatives that are specifically designed to meet  
 2122 | the needs of M.P.O. board members.

2123 | (i)~~(h)~~ A chair's coordinating committee is created,  
 2124 | composed of the M.P.O.'s serving Hernando, Hillsborough,  
 2125 | Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
 2126 | committee must, at a minimum:

- 2127 | 1. Coordinate transportation projects deemed to be
- 2128 | regionally significant by the committee.
- 2129 | 2. Review the impact of regionally significant land use
- 2130 | decisions on the region.
- 2131 | 3. Review all proposed regionally significant
- 2132 | transportation projects in the respective transportation
- 2133 | improvement programs which affect more than one of the M.P.O.'s
- 2134 | represented on the committee.
- 2135 | 4. Institute a conflict resolution process to address any
- 2136 | conflict that may arise in the planning and programming of such
- 2137 | regionally significant projects.

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2138            (j)~~(i)~~1. The Legislature finds that the state's rapid  
 2139 growth in recent decades has caused many urbanized areas subject  
 2140 to M.P.O. jurisdiction to become contiguous to each other. As a  
 2141 result, various transportation projects may cross from the  
 2142 jurisdiction of one M.P.O. into the jurisdiction of another  
 2143 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
 2144 have been mandated, M.P.O.'s shall develop coordination  
 2145 mechanisms with one another to expand and improve transportation  
 2146 within the state. The appropriate method of coordination  
 2147 between M.P.O.'s shall vary depending upon the project involved  
 2148 and given local and regional needs. Consequently, it is  
 2149 appropriate to set forth a flexible methodology that can be used  
 2150 by M.P.O.'s to coordinate with other M.P.O.'s and appropriate  
 2151 political subdivisions as circumstances demand.

2152            2. Any M.P.O. may join with any other M.P.O. or any  
 2153 individual political subdivision to coordinate activities or to  
 2154 achieve any federal or state transportation planning or  
 2155 development goals or purposes consistent with federal or state  
 2156 law. When an M.P.O. determines that it is appropriate to join  
 2157 with another M.P.O. or any political subdivision to coordinate  
 2158 activities, the M.P.O. or political subdivision shall enter into  
 2159 an interlocal agreement pursuant to s. 163.01, which, at a  
 2160 minimum, creates a separate legal or administrative entity to  
 2161 coordinate the transportation planning or development activities  
 2162 required to achieve the goal or purpose; provides ~~provide~~ the  
 2163 purpose for which the entity is created; provides ~~provide~~ the  
 2164 duration of the agreement and the entity, and specifies ~~specify~~  
 2165 how the agreement may be terminated, modified, or rescinded;

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2166 | describes ~~describe~~ the precise organization of the entity,  
 2167 | including who has voting rights on the governing board, whether  
 2168 | alternative voting members are provided for, how voting members  
 2169 | are appointed, and what the relative voting strength is for each  
 2170 | constituent M.P.O. or political subdivision; provides ~~provide~~  
 2171 | the manner in which the parties to the agreement will provide  
 2172 | for the financial support of the entity and payment of costs and  
 2173 | expenses of the entity; provides ~~provide~~ the manner in which  
 2174 | funds may be paid to and disbursed from the entity; and provides  
 2175 | ~~provide~~ how members of the entity will resolve disagreements  
 2176 | regarding interpretation of the interlocal agreement or disputes  
 2177 | relating to the operation of the entity. Such interlocal  
 2178 | agreement shall become effective upon its recordation in the  
 2179 | official public records of each county in which a member of the  
 2180 | entity created by the interlocal agreement has a voting member.  
 2181 | This paragraph does not require any M.P.O.'s to merge, combine,  
 2182 | or otherwise join together as a single M.P.O.

2183 |       (12) VOTING REQUIREMENTS.--Each long-range transportation  
 2184 | plan required pursuant to subsection (6), each annually updated  
 2185 | Transportation Improvement Program required under subsection  
 2186 | (7), and each amendment that affects projects in the first 3  
 2187 | years of such plans and programs must be approved by each M.P.O.  
 2188 | by a supermajority of a majority plus one on a recorded roll  
 2189 | call vote or hand-counted vote of the membership present.

2190 |       Section 33. Subsection (2) of section 339.2819, Florida  
 2191 | Statutes, is amended to read:

2192 |       339.2819 Transportation Regional Incentive Program.--

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2193 (2) The percentage of matching funds provided from the  
 2194 Transportation Regional Incentive Program shall be 50 percent of  
 2195 project costs, ~~or up to 50 percent of the nonfederal share of~~  
 2196 ~~the eligible project cost for a public transportation facility~~  
 2197 ~~project.~~

2198 Section 34. Section 339.282, Florida Statutes, is created  
 2199 to read:

2200 339.282 Transportation concurrency incentives.--The  
 2201 Legislature finds that allowing private-sector entities to  
 2202 finance, construct, and improve public transportation facilities  
 2203 can provide significant benefits to the citizens of this state  
 2204 by facilitating transportation of the general public without the  
 2205 need for additional public tax revenues. In order to encourage  
 2206 the more efficient and proactive provision of transportation  
 2207 improvements by the private sector, if a developer or property  
 2208 owner voluntarily contributes right-of-way and physically  
 2209 constructs or expands a state transportation facility or segment  
 2210 and such construction or expansion improves traffic flow,  
 2211 capacity, or safety, the voluntary contribution may be applied  
 2212 as a credit for that property owner or developer against any  
 2213 future transportation concurrency requirements pursuant to  
 2214 chapter 163, provided such contributions and credits are set  
 2215 forth in a legally binding agreement executed by the property  
 2216 owner or developer, the local government within whose  
 2217 jurisdiction the facility is located, and the department. If the  
 2218 developer or property owner voluntarily contributes right-of-way  
 2219 and physically constructs or expands a local government  
 2220 transportation facility or segment and such construction or



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2221 expansion meets the requirements in this section and in a  
 2222 legally binding agreement between the property owner or  
 2223 developer and the applicable local government, the contribution  
 2224 to the local government collector and arterial system may be  
 2225 applied as a credit against any future transportation  
 2226 concurrency requirements pursuant to chapter 163.

2227 Section 35. Subsection (4) of section 339.55, Florida  
 2228 Statutes, is amended, and paragraph (c) is added to subsection  
 2229 (2) and paragraph (j) is added to subsection (7) of that  
 2230 section, to read:

2231 339.55 State-funded infrastructure bank.--

2232 (2) The bank may lend capital costs or provide credit  
 2233 enhancements for:

2234 (c)1. Emergency loans for damages incurred to public-use  
 2235 commercial deepwater seaports, public-use airports, and other  
 2236 public-use transit and intermodal facilities that are within an  
 2237 area that is part of an official state declaration of emergency  
 2238 pursuant to chapter 252 and all other applicable laws. Such  
 2239 loans:

2240 a. May not exceed 24 months in duration except in extreme  
 2241 circumstances, for which the Secretary of Transportation may  
 2242 grant up to 36 months.

2243 b. Require application from the recipient to the  
 2244 department that includes documentation of damage claims filed  
 2245 with the Federal Emergency Management Agency or an applicable  
 2246 insurance carrier.

2247 c. Are subject to approval by the secretary.

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2248           2. Loans provided under this paragraph must be repaid upon  
 2249 receipt by the recipient of eligible program funding for damages  
 2250 in accordance with the claims filed with the Federal Emergency  
 2251 Management Agency or an applicable insurance carrier, but no  
 2252 later than the duration of the loan.

2253           (4) Loans from the bank may bear interest at or below  
 2254 market interest rates, as determined by the department.  
 2255 Repayment of any loan from the bank shall commence not later  
 2256 than 5 years after the project has been completed or, in the  
 2257 case of a highway project, the facility has opened to traffic,  
 2258 whichever is later, and shall be repaid in no more than 30  
 2259 years, except for loans provided under paragraph (2)(c), which  
 2260 shall be repaid in no more than 36 months.

2261           (7) The department may consider, but is not limited to,  
 2262 the following criteria for evaluation of projects for assistance  
 2263 from the bank:

2264           (j) The extent to which damage from a disaster that  
 2265 results in a declaration of emergency has impacted a public  
 2266 transportation facility's ability to maintain its previous level  
 2267 of service and remain accessible to the public or has had a  
 2268 major impact on the cash flow or revenue-generation ability of  
 2269 the public-use facility.

2270           Section 36. Paragraph (b) of subsection (1) of section  
 2271 343.54, Florida Statutes, is amended to read:

2272           343.54 Powers and duties.--

2273           (1)

2274           (b) It is the express intention of this part that the  
 2275 authority be authorized to plan, develop, own, purchase, lease,

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2276 | or otherwise acquire, demolish, construct, improve, relocate,  
 2277 | equip, repair, maintain, operate, and manage a transit system  
 2278 | and transit facilities; to establish and determine the policies  
 2279 | necessary for the best interest of the operation and promotion  
 2280 | of a transit system; and to adopt rules necessary to govern the  
 2281 | operation of a transit ~~commuter-rail~~ system and transit ~~commuter~~  
 2282 | ~~rail~~ facilities. It is the intent of the Legislature that the  
 2283 | South Florida Regional Transportation Authority shall have  
 2284 | overall authority to coordinate, develop, and operate a regional  
 2285 | transportation system within the area served.

2286 |         Section 37. Subsection (4) is added to section 343.55,  
 2287 | Florida Statutes, to read:

2288 |             343.55 Issuance of revenue bonds.--

2289 |             (4) The state pledges to and agrees with any person, firm,  
 2290 | corporation, or federal or state agency subscribing to or  
 2291 | acquiring the bonds to be issued by the authority for the  
 2292 | purposes of the South Florida Regional Transportation Authority  
 2293 | Act that the state will not limit or alter the rights vested in  
 2294 | the authority under this section until all bonds at any time  
 2295 | issued and secured by revenues remitted to the authority  
 2296 | pursuant to s. 343.58, together with the interest thereon, are  
 2297 | fully paid and discharged, insofar as the same affects the  
 2298 | rights of the holders of bonds issued under this section.

2299 |         Section 38. Section 343.58, Florida Statutes, is amended  
 2300 | to read:

2301 |             343.58 County funding for the South Florida Regional  
 2302 | Transportation Authority.--

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2303           (1) Each county served by the South Florida Regional  
 2304 Transportation Authority must dedicate and transfer not less  
 2305 than \$2.67 million to the authority annually. The recurring  
 2306 annual \$2.67 million must be dedicated by the governing body of  
 2307 each county prior to October 31 of each fiscal year ~~by August 1,~~  
 2308 ~~2003. Notwithstanding ss. 206.41 and 206.87, such dedicated~~  
 2309 ~~funding may come from each county's share of the ninth cent fuel~~  
 2310 ~~tax, the local option fuel tax, or any other source of local gas~~  
 2311 ~~taxes or other nonfederal funds available to the counties. In~~  
 2312 ~~addition, the Legislature authorizes the levy of an annual~~  
 2313 ~~license tax in the amount of \$2 for the registration or renewal~~  
 2314 ~~of registration of each vehicle taxed under s. 320.08 and~~  
 2315 ~~registered in the area served by the South Florida Regional~~  
 2316 ~~Transportation Authority. The annual license tax shall take~~  
 2317 ~~effect in any county served by the authority upon approval by~~  
 2318 ~~the residents in a county served by the authority. The annual~~  
 2319 ~~license tax shall be levied and the Department of Highway Safety~~  
 2320 ~~and Motor Vehicles shall remit the proceeds each month from the~~  
 2321 ~~tax to the South Florida Regional Transportation Authority.~~

2322           (2) At least \$45 million of a state-authorized, local  
 2323 option recurring funding source available to Broward, Miami-  
 2324 Dade, and Palm Beach Counties shall be directed to the authority  
 2325 to fund its capital, operating, and maintenance expenses. The  
 2326 funding source shall be dedicated to the authority only if  
 2327 Broward, Miami-Dade, and Palm Beach Counties each impose the  
 2328 local-option funding source.

2329           (3)~~(2)~~ In addition, each county shall continue to annually  
 2330 fund the operations of the South Florida Regional Transportation

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2331 Authority in an amount not less than \$4.2 ~~\$1.565~~ million.  
 2332 Revenue raised ~~Such funds~~ pursuant to this subsection shall also  
 2333 be considered a dedicated funding source.

2334 (4) The current funding obligations under subsections (1)  
 2335 and (3) shall cease upon commencement of the collection of  
 2336 funding from the funding source under subsection (2). Should the  
 2337 funding under subsection (2) be discontinued for any reason, the  
 2338 funding obligations under subsections (1) and (3) shall resume  
 2339 when collection from the funding source under subsection (2)  
 2340 ceases. Payment by the counties shall be on a pro rata basis the  
 2341 first year following cessation of the funding under subsection  
 2342 (2). The authority shall refund a pro rata share of the payments  
 2343 for the current fiscal year made pursuant to the current funding  
 2344 obligations under subsections (1) and (3) as soon as reasonably  
 2345 practicable after it begins to receive funds under subsection  
 2346 (2).

2347 (5) If, by December 31, 2015 ~~2009~~, the South Florida  
 2348 Regional Transportation Authority has not received federal  
 2349 matching funds based upon the dedication of funds under  
 2350 subsection (1), subsection (1) shall be repealed.

2351 Section 39. Section 343.71, Florida Statutes, is amended  
 2352 to read:

2353 343.71 Short title.--This part may be cited as the "Tampa  
 2354 Bay Regional Transportation ~~Commuter Transit~~ Authority Act."

2355 Section 40. Section 343.72, Florida Statutes, is amended  
 2356 to read:

2357 343.72 Definitions.--

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2358           (1) As used in this part, unless the context clearly  
2359 indicates otherwise, the term:

2360           (a)~~(1)~~ "Authority" means the Tampa Bay Regional  
2361 Transportation ~~Commuter Transit~~ Authority, the body politic and  
2362 corporate and agency of the state created by this part.

2363           (b)~~(2)~~ "Board" means the governing body of the authority.

2364           (c) "Bonds" means the notes, bonds, refunding bonds, or  
2365 other evidences of indebtedness or obligations, in either  
2366 temporary or definitive form, which the authority is authorized  
2367 to issue under this part.

2368           (d) "Commuter ferry" means a complete ferry system of  
2369 boats, docks, and stations necessary to effectuate the movement  
2370 of people by water to or from feeder transit services, commuter  
2371 railroads, bus services, or fixed-guideway systems.

2372           (e) "Commuter rail facilities" means property and avenues  
2373 of access required for the commuter rail or fixed-guideway  
2374 systems.

2375           (f)~~(3)~~ "Commuter railroad" means a complete system of  
2376 tracks, guideways, stations, and rolling stock necessary to  
2377 effectuate medium-distance to long-distance passenger rail  
2378 service to, from, or within the surrounding regional  
2379 municipalities.

2380           (g) "Department" means the Florida Department of  
2381 Transportation.

2382           (h) "Feeder transit services" means fixed-guideway or bus  
2383 service to transport passengers to rail or ferry stations.

2384            (i) "Lease-purchase agreement" means the lease-purchase  
 2385 agreements that the authority is authorized under this part to  
 2386 enter into with the department.

2387            (j) "Limited access expressway" or "expressway" means a  
 2388 street or highway especially designed for through traffic and  
 2389 over, from, or to which a person does not have the right of  
 2390 easement, use, or access except in accordance with the rules  
 2391 adopted and established by the authority for the use of such  
 2392 facility. Such a highway or street may be a parkway, from which  
 2393 trucks, buses, and other commercial vehicles are excluded, or it  
 2394 may be a freeway open to use by all customary forms of street  
 2395 and highway traffic.

2396            ~~(4) "Commuter rail facilities" means property and avenues~~  
 2397 ~~of access required for the commuter rail or fixed guideway~~  
 2398 ~~systems.~~

2399            ~~(k)(5)~~ "Member" means the individuals constituting the  
 2400 authority board.

2401            (l) "State Board of Administration" means the body  
 2402 corporate existing under the provisions of s. 9, Art. XII of the  
 2403 State Constitution, or any successor thereto.

2404            (2) Terms importing singular number include the plural  
 2405 number in each case and vice versa, and terms importing persons  
 2406 include firms and corporations.

2407            ~~(6) "Feeder transit services" means fixed guideway or bus~~  
 2408 ~~service to transport passengers to rail or ferry stations.~~

2409            ~~(7) "Commuter ferry" means a complete ferry system of~~  
 2410 ~~boats, docks, and stations necessary to effectuate the movement~~

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2411 ~~of people by water to or from feeder transit services, commuter~~  
 2412 ~~railroads, bus or fixed guideway systems.~~

2413 Section 41. Section 343.73, Florida Statutes, is amended  
 2414 to read:

2415 343.73 Tampa Bay Regional Transportation ~~Commuter Transit~~  
 2416 Authority.--

2417 (1) There is created and established a body politic and  
 2418 corporate, an agency of the state, to be known as the Tampa Bay  
 2419 Regional Transportation ~~Commuter Transit~~ Authority, hereinafter  
 2420 referred to as the authority.

2421 (2) The board shall consist of the following voting  
 2422 members:

2423 ~~(a) The metropolitan planning organizations of Hernando,~~  
 2424 ~~Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk~~  
 2425 ~~Counties shall each elect a member as its representative on the~~  
 2426 ~~board. The member must be an elected official and a member of~~  
 2427 ~~the respective metropolitan planning organization when elected~~  
 2428 ~~and for the full extent of his or her term on the board.~~

2429 (a)(b) The county commissions of Citrus, Hernando,  
 2430 Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk ~~those~~  
 2431 Counties shall each appoint a citizen member to the board who is  
 2432 not a county commissioner but who is a resident and a qualified  
 2433 elector of that county. Insofar as is practicable, the citizen  
 2434 member shall represent the business and civic interests of the  
 2435 community.

2436 ~~(c) The Secretary of Transportation shall appoint as a~~  
 2437 ~~member of the board the district secretary, or his or her~~



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2438 ~~designee, for each district within the seven counties served by~~  
2439 ~~the authority.~~

2440 ~~(d) The local transit authority in each of the seven~~  
2441 ~~counties shall elect one member who shall serve as an ex officio~~  
2442 ~~nonvoting member of the board.~~

2443 (b)~~(e)~~ The Governor shall appoint one member to the board  
2444 who is a resident and a qualified elector in the area served by  
2445 the authority.

2446 (c) The Chairs Coordinating Council shall appoint one  
2447 member to the board who is a resident and a qualified elector in  
2448 the area served by the authority.

2449 (3) (a) The local transit authority in each of the eight  
2450 counties shall elect one member who shall serve as an ex  
2451 officio, nonvoting member of the board.

2452 (b) The Secretary of Transportation shall appoint as an ex  
2453 officio, nonvoting member of the board the district secretary,  
2454 or his or her designee, for each district within the eight  
2455 counties served by the authority.

2456 (4)~~(3)~~ The terms of the appointees ~~county commissioners~~ on  
2457 the governing board of the authority shall be 2 years. All other  
2458 members on the governing board of the authority shall serve  
2459 staggered 4-year terms. Each member shall hold office until his  
2460 or her successor has been appointed.

2461 (5)~~(4)~~ A vacancy during a term shall be filled by the  
2462 respective appointing authority within 90 days in the same  
2463 manner as the original appointment and only for the balance of  
2464 the unexpired term.

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2465        (6)-(5) The members of the authority shall serve without  
 2466 not be entitled to compensation, but shall be entitled to  
 2467 receive from the authority their ~~reimbursed for~~ travel expenses  
 2468 and per diem actually incurred in connection with the business  
 2469 of the authority ~~their duties~~ as provided in s. 112.061 ~~by law~~.

2470        (7)-(6) Members of the authority shall be required to  
 2471 comply with the applicable financial disclosure requirements of  
 2472 ss. 112.3145, 112.3148, and 112.3149.

2473        (8) The authority may employ an executive director, an  
 2474 executive secretary, its own counsel and legal staff, technical  
 2475 experts, engineers, and such employees, permanent or temporary,  
 2476 as it may require. The authority shall determine the  
 2477 qualifications and fix the compensation of such persons, firms,  
 2478 or corporations and may employ a fiscal agent or agents;  
 2479 however, the authority shall solicit sealed proposals from at  
 2480 least three persons, firms, or corporations for the performance  
 2481 of any services as fiscal agents. The authority may delegate, as  
 2482 it shall deem necessary, its power to one or more of its agents  
 2483 or employees to carry out the purposes of this part, subject  
 2484 always to the supervision and control of the authority.

2485        (9) The authority may establish technical advisory  
 2486 committees to provide guidance and advice on regional  
 2487 transportation issues. The authority shall establish the size,  
 2488 composition, and focus of any technical advisory committee  
 2489 created. Persons appointed to a technical advisory committee  
 2490 shall serve without compensation but shall be entitled to per  
 2491 diem or travel expenses, as provided in s. 112.061.

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2492 Section 42. Section 343.74, Florida Statutes, is  
2493 renumbered as section 343.735, Florida Statutes, and amended to  
2494 read:

2495 343.735~~343.74~~ Powers and duties.--

2496 (1) The express purposes of the authority are to improve  
2497 mobility and expand transportation options in the Tampa Bay  
2498 region.

2499 (2)(a) The authority ~~created by s. 343.73~~ has the right to  
2500 own, operate, maintain, and manage a commuter rail system and  
2501 commuter ferry system in Citrus, Hernando, Hillsborough, Pasco,  
2502 Pinellas, Manatee, Sarasota, and Polk Counties.

2503 ~~(b) It is the express intention of this part that~~ The  
2504 authority is ~~be~~ authorized to plan, develop, own, purchase,  
2505 lease, or otherwise acquire, demolish, construct, improve,  
2506 relocate, equip, repair, maintain, operate, and manage a  
2507 commuter rail system, commuter rail facilities, or commuter  
2508 ferry system; to establish and determine such policies as may be  
2509 necessary for the best interest of the operation and promotion  
2510 of a commuter rail system and commuter ferry system; and to  
2511 adopt such rules as may be necessary to govern the operation of  
2512 a commuter rail system, commuter rail facilities, and a commuter  
2513 ferry system.

2514 (b) The authority is also authorized to construct any  
2515 feeder roads, reliever roads, connector roads, bypasses, or  
2516 appurtenant facilities that are intended to improve mobility in  
2517 the Tampa Bay region. These projects may also include all  
2518 necessary approaches, roads, bridges, and avenues of access that  
2519 are desirable and proper with the concurrence, where applicable,

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2520 of the department if the project is to be part of the State  
2521 Highway System. Any transportation facilities constructed by the  
2522 authority may be tolled.

2523 (3) (a) The authority shall develop and adopt a regional  
2524 transportation master plan no later than July 1, 2008. The goals  
2525 and objectives of the master plan are to identify areas of the  
2526 Tampa Bay region where mobility, traffic safety, and efficient  
2527 hurricane evacuation need to be improved; identify areas of the  
2528 region where multimodal transportation systems would be most  
2529 beneficial for mobility and economic development; develop  
2530 methods of building partnerships with local governments,  
2531 expressway authorities, other local, state, and federal  
2532 entities, the private-sector business community, and the public  
2533 in support of regional transportation improvements; identify  
2534 projects that will accomplish these goals and objectives; and  
2535 identify the costs of the proposed projects and revenue sources  
2536 that could be used to pay those costs. The master plan shall  
2537 incorporate updates to previous plans the authority has  
2538 completed on regional commuter rail and ferry service.

2539 (b) After its adoption, the master plan shall be updated  
2540 annually before July 1.

2541 (c) The authority shall present the original master plan  
2542 and updates to the governing bodies of the counties within the  
2543 eight-county region and to the legislative delegation members  
2544 representing those counties within 90 days after adoption.

2545 (4) The authority may undertake projects or other  
2546 improvements in the master plan in phases as particular projects  
2547 or segments become feasible, as determined by the authority. In

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2548 carrying out its purposes and powers, the authority may request  
 2549 funding and technical assistance from the department and  
 2550 appropriate federal and local agencies, including, but not  
 2551 limited to, state infrastructure bank loans, advances from the  
 2552 Toll Facilities Revolving Trust Fund, and funding and technical  
 2553 assistance from any other source.

2554 (5)(2) The authority is granted and may exercise all  
 2555 powers necessary, appurtenant, convenient, or incidental to the  
 2556 carrying out of the aforesaid purposes, including, but not  
 2557 limited to, the following rights and powers:

2558 (a) To sue and be sued, implead and be impleaded, complain  
 2559 and defend in all courts in its own name.

2560 (b) To adopt and use a corporate seal.

2561 (c) To have the power of eminent domain, including the  
 2562 procedural powers granted under chapters 73 and 74.

2563 (d) To acquire by donation or otherwise, purchase, hold,  
 2564 construct, maintain, improve, operate, own, lease as a lessee,  
 2565 and use any franchise or property, real, personal, or mixed,  
 2566 tangible or intangible, or any option thereof in its own name or  
 2567 in conjunction with others, or any interest therein, necessary  
 2568 or desirable for carrying out the purposes of the authority.

2569 (e) To sell, convey, exchange, lease as a lessor,  
 2570 transfer, or otherwise dispose of any real or personal property,  
 2571 or interest therein, acquired by the authority, including air  
 2572 rights.

2573 (f) To fix, alter, establish, and collect rates, fares,  
 2574 fees, rentals, tolls, and other charges for the services and use  
 2575 of any commuter rail system or facilities, ~~or~~ any commuter ferry

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2576 system, or any feeder roads, bridges, or other transportation  
2577 facilities owned or operated by the authority. These rates,  
2578 fares, fees, rentals, tolls, and other charges shall always be  
2579 sufficient to comply with any covenants made with the holders of  
2580 any bonds issued pursuant to this part; however, such right and  
2581 power may be assigned or delegated by the authority to the  
2582 department. The authority may not impose tolls or other charges  
2583 on existing highways and other transportation facilities within  
2584 the eight-county Tampa Bay region.

2585 (g) To borrow money and to make and issue negotiable  
2586 notes, bonds, refunding bonds, and other evidences of  
2587 indebtedness or obligations, either in temporary or definitive  
2588 form, hereinafter in this chapter sometimes called "revenue  
2589 bonds" of the authority, for the purpose of financing all or  
2590 part of the mobility improvements within the Tampa Bay region,  
2591 as well as the appurtenant facilities, including all rail  
2592 stations, approaches, streets, roads, bridges, and avenues of  
2593 access authorized by this part, the bonds to mature not  
2594 exceeding 40 years after the date of the issuance thereof, and  
2595 to secure the payment of such bonds or any part thereof by a  
2596 pledge of any or all of its revenues, rates, fees, rentals, or  
2597 other charges.

2598 (h)~~(g)~~ To develop and provide feeder transit services to  
2599 rail and commuter ferry stations.

2600 (i)~~(h)~~ To adopt bylaws for the regulation of the affairs  
2601 and the conduct of the business of the authority. The bylaws  
2602 shall provide for quorum and voting requirements, maintenance of

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2603 minutes and other official records, and preparation and adoption  
2604 of an annual budget.

2605 (j)~~(i)~~ To lease, rent, or contract for the operation or  
2606 management of any part of a commuter rail system, commuter rail  
2607 facility, ~~or~~ commuter ferry system, including feeder transit  
2608 services and concessions, or any other transportation facility.

2609 In awarding any contracts, the authority shall consider, but is  
2610 not limited to, the following:

- 2611 1. The qualifications of each applicant.
- 2612 2. The level of service.
- 2613 3. The efficiency, cost, and anticipated revenue.
- 2614 4. The construction, operation, and management plan.
- 2615 5. The financial ability to provide reliable service.
- 2616 6. The impact on other transportation modes, including the  
2617 ability to interface with other transportation modes and  
2618 facilities.

2619 (k)~~(j)~~ To enforce collection of rates, fees, tolls, and  
2620 charges, and to establish and enforce fines and penalties for  
2621 violations of any rules.

2622 (l)~~(k)~~ To advertise and promote commuter rail systems,  
2623 commuter ferry systems, facilities, other transportation  
2624 facilities, and the general activities of the authority.

2625 ~~(l) To employ an executive director, attorney, staff, and~~  
2626 ~~consultants.~~

2627 (m) To cooperate with other governmental entities and to  
2628 contract with other governmental agencies, including the  
2629 Department of Transportation, the Federal Government, counties,

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2630 municipalities, and seaport, ~~and~~ airport, expressway, bridge,  
2631 and transit authorities.

2632 (n) To enter into joint development agreements,   
2633 partnerships, and other agreements with public and private  
2634 entities respecting ownership and revenue participation in order  
2635 to facilitate financing and constructing any project or portions  
2636 thereof.

2637 (o) To accept grants and other funds from other  
2638 governmental sources and to accept private donations.

2639 (p) To purchase directly from local, national, or  
2640 international insurance companies liability insurance that the  
2641 authority is contractually and legally obligated to provide, the  
2642 requirements of s. 287.022(1) notwithstanding.

2643 (q) To enter into and make lease-purchase agreements with  
2644 the department for terms not exceeding 40 years or until any  
2645 bonds secured by a pledge of rentals thereunder, and any  
2646 refundings thereof, are fully paid as to both principal and  
2647 interest, whichever is longer.

2648 (r) To make contracts of every name and nature, including,  
2649 but not limited to, partnerships providing for participation in  
2650 ownership and revenues, and to execute all instruments necessary  
2651 or convenient for the carrying on of its business.

2652 (s) To do all acts and things necessary or convenient for  
2653 the conduct of its business and the general welfare of the  
2654 authority in order to carry out the powers granted to it by this  
2655 part or any other law.

2656 ~~(3) The authority shall develop and adopt a plan for the~~  
2657 ~~development of the Tampa Bay Commuter Rail or Commuter Ferry~~



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2658 ~~Service. Such plan shall address the authority's plan for the~~  
2659 ~~development of public and private revenue sources, funding of~~  
2660 ~~operating and capital costs, the service to be provided and the~~  
2661 ~~extent to which counties within the authority are to be served.~~  
2662 ~~The plan shall be reviewed and updated annually. Such plan shall~~  
2663 ~~be consistent, to the maximum extent feasible, with the approved~~  
2664 ~~local government comprehensive plan of the units of local~~  
2665 ~~government served by the authority.~~

2666 (6)~~(4)~~ The authority shall institute procedures to ensure  
2667 that jobs created as a result of state funding pursuant to this  
2668 section shall be subject to equal opportunity hiring practices  
2669 as provided for in s. 110.112.

2670 (7)~~(5)~~ The authority shall comply with all statutory  
2671 requirements of general application which relate to the filing  
2672 of any report or documentation required by law, including the  
2673 requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

2674 (8) The authority does not have power at any time or in  
2675 any manner to pledge the credit or taxing power of the state or  
2676 any political subdivision or agency thereof, nor shall any of  
2677 the authority's obligations be deemed to be obligations of the  
2678 state or of any political subdivision or agency thereof, nor  
2679 shall the state or any political subdivision or agency thereof,  
2680 except the authority, be liable for the payment of the principal  
2681 of or interest on such obligations.

2682 Section 43. Section 343.75, Florida Statutes, is  
2683 renumbered as section 343.741, Florida Statutes, and amended to  
2684 read:

2685 (Substantial rewording of section. See

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2686 s. 343.75, F.S., for present text.)  
2687 343.741 Bond financing authority.--  
2688 (1) Pursuant to s. 11(f), Art. VII of the State  
2689 Constitution, the Legislature approves bond financing by the  
2690 Tampa Bay Regional Transportation Authority for construction of  
2691 or improvements to commuter rail systems, commuter ferry  
2692 systems, highways, bridges, toll collection facilities,  
2693 interchanges to the system, and any other transportation  
2694 facility appurtenant, necessary, or incidental to the system.  
2695 Subject to terms and conditions of applicable revenue bond  
2696 resolutions and covenants, such costs may be financed in whole  
2697 or in part by revenue bonds issued pursuant to paragraph (2) (a)  
2698 or (b), whether currently issued or issued in the future or by a  
2699 combination of such bonds.  
2700 (2) (a) Bonds may be issued on behalf of the authority  
2701 pursuant to the State Bond Act.  
2702 (b) Alternatively, the authority may issue its own bonds  
2703 pursuant to this part at such times and in such principal amount  
2704 as, in the opinion of the authority, is necessary to provide  
2705 sufficient moneys for achieving its purposes; however, such  
2706 bonds may not pledge the full faith and credit of the state.  
2707 Bonds issued by the authority pursuant to this paragraph or  
2708 paragraph (a), whether on original issuance or on refunding,  
2709 shall be authorized by resolution of the members thereof, may be  
2710 either term or serial bonds, and shall bear such date or dates,  
2711 mature at such time or times, not exceeding 40 years after their  
2712 respective dates, bear interest at such rate or rates, be  
2713 payable semiannually, be in such denominations, be in such form,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2714 either coupon or fully registered, carry such registration,  
 2715 exchangeability, and interchangeability privileges, be payable  
 2716 in such medium of payment and at such place or places, be  
 2717 subject to such terms of redemption, and be entitled to such  
 2718 priorities on the revenues, rates, fees, rentals, or other  
 2719 charges or receipts of the authority, including revenues from  
 2720 lease-purchase agreements, as such resolution or any resolution  
 2721 subsequent thereto may provide. The bonds shall be executed  
 2722 either by manual or facsimile signature by such officers as the  
 2723 authority shall determine, however, such bonds shall bear at  
 2724 least one signature that is manually executed thereon, and the  
 2725 coupons attached to such bonds shall bear the facsimile  
 2726 signature or signatures of such officer or officers as shall be  
 2727 designated by the authority and have the seal of the authority  
 2728 affixed, imprinted, reproduced, or lithographed thereon, all as  
 2729 may be prescribed in such resolution or resolutions.

2730 (c) Bonds issued pursuant to paragraph (a) or paragraph  
 2731 (b) shall be sold at public sale in the manner provided by the  
 2732 State Bond Act. However, if the authority, by official action at  
 2733 a public meeting, determines that a negotiated sale of such  
 2734 bonds is in the best interest of the authority, the authority  
 2735 may negotiate the sale of such bonds with the underwriter  
 2736 designated by the authority and the Division of Bond Finance  
 2737 within the State Board of Administration with respect to bonds  
 2738 issued pursuant to paragraph (a) or solely by the authority with  
 2739 respect to bonds issued pursuant to paragraph (b). The  
 2740 authority's determination to negotiate the sale of such bonds  
 2741 may be based, in part, upon the written advice of the

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2742 authority's financial adviser. Pending the preparation of  
2743 definitive bonds, interim certificates may be issued to the  
2744 purchaser or purchasers of such bonds and may contain such terms  
2745 and conditions as the authority may determine.

2746 (d) The authority may issue bonds pursuant to paragraph  
2747 (b) to refund any bonds previously issued regardless of whether  
2748 the bonds being refunded were issued by the authority pursuant  
2749 to this chapter or on behalf of the authority pursuant to the  
2750 State Bond Act.

2751 (3) Any such resolution or resolutions authorizing any  
2752 bonds hereunder may contain provisions that are part of the  
2753 contract with the holders of such bonds, as to:

2754 (a) The pledging of all or any part of the revenues,  
2755 rates, fees, rentals, or other charges or receipts of the  
2756 authority, derived by the authority.

2757 (b) The completion, improvement, operation, extension,  
2758 maintenance, repair, or lease of, or lease-purchase agreement  
2759 relating to, the system and the duties of the authority and  
2760 others, including the department, with reference thereto.

2761 (c) Limitations on the purposes to which the proceeds of  
2762 the bonds, then or thereafter to be issued, or of any loan or  
2763 grant by the United States or the state may be applied.

2764 (d) The fixing, charging, establishing, and collecting of  
2765 rates, fees, rentals, or other charges for use of the services  
2766 and facilities constructed by the authority.

2767 (e) The setting aside of reserves or sinking funds or  
2768 repair and replacement funds and the regulation and disposition  
2769 thereof.

2770        (f) Limitations on the issuance of additional bonds.

2771        (g) The terms and provisions of any lease-purchase

2772 agreement, deed of trust, or indenture securing the bonds or

2773 under which the same may be issued.

2774        (h) Any other or additional agreements with the holders of

2775 the bonds which the authority may deem desirable and proper.

2776        (4) The authority may employ fiscal agents as provided by

2777 this part or the State Board of Administration may, upon request

2778 of the authority, act as fiscal agent for the authority in the

2779 issuance of any bonds that are issued pursuant to this part, and

2780 the State Board of Administration may, upon request of the

2781 authority, take over the management, control, administration,

2782 custody, and payment of any or all debt services or funds or

2783 assets now or hereafter available for any bonds issued pursuant

2784 to this part. The authority may enter into any deeds of trust,

2785 indentures, or other agreements with its fiscal agent, or with

2786 any bank or trust company within or without the state, as

2787 security for such bonds and may, under such agreements, sign and

2788 pledge all or any of the revenues, rates, fees, rentals, or

2789 other charges or receipts of the authority. Such deed of trust,

2790 indenture, or other agreement may contain such provisions as are

2791 customary in such instruments or as the authority authorizes,

2792 including, but without limitation, provisions as to:

2793        (a) The completion, improvement, operation, extension,

2794 maintenance, repair, and lease of, or lease-purchase agreement

2795 relating to, commuter rail, commuter ferry, highway, bridge, and

2796 related transportation facilities and appurtenances and the

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2797 | duties of the authority and others, including the department,  
 2798 | with reference thereto.

2799 | (b) The application of funds and the safeguarding of funds  
 2800 | on hand or on deposit.

2801 | (c) The rights and remedies of the trustee and the holders  
 2802 | of the bonds.

2803 | (d) The terms and provisions of the bonds or the  
 2804 | resolutions authorizing the issuance of the bonds.

2805 | (5) Any of the bonds issued pursuant to this part are, and  
 2806 | are hereby declared to be, negotiable instruments and have all  
 2807 | the qualities and incidents of negotiable instruments under the  
 2808 | law merchant and the negotiable instruments law of the state.

2809 | (6) Notwithstanding any of the provisions of this part,  
 2810 | each project, building, or facility that has been financed by  
 2811 | the issuance of bonds or other evidence of indebtedness under  
 2812 | this part and any refinancing thereof are hereby approved as  
 2813 | provided for in s. 11(f), Art. VII of the State Constitution.

2814 | Section 44. Section 343.76, Florida Statutes, is  
 2815 | renumbered as section 343.743, Florida Statutes, and amended to  
 2816 | read:

2817 | 343.743 ~~343.76~~ Bonds not debts or pledges of credit of  
 2818 | state.--Revenue bonds issued under the provisions of this part  
 2819 | are not debts of the state or pledges of the faith and credit of  
 2820 | the state. Such bonds are payable exclusively from revenues  
 2821 | pledged for their payment. All such bonds shall contain a  
 2822 | statement on their face that the state is not obligated to pay  
 2823 | the same or the interest thereon, except from the revenues  
 2824 | pledged for their payment, and that the faith and credit of the

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2825 | state is not pledged to the payment of the principal or interest  
 2826 | of such bonds. The issuance of revenue bonds under the  
 2827 | provisions of this part does not directly, indirectly, or  
 2828 | contingently obligate the state to levy or to pledge any form of  
 2829 | taxation whatsoever, or to make any appropriation for their  
 2830 | payment. No state funds shall be used to pay the principal or  
 2831 | interest of any bonds issued to finance or refinance any portion  
 2832 | of the authority's transportation projects ~~Tampa Bay rail or~~  
 2833 | ~~ferry system~~, and all such bonds shall contain a statement on  
 2834 | their face to this effect.

2835 |         Section 45. Section 343.77, Florida Statutes, is  
 2836 | renumbered as section 343.745, Florida Statutes, and amended to  
 2837 | read:

2838 |         (Substantial rewording of section. See  
 2839 |         s. 343.77, F.S., for present text.)

2840 |         343.745 Covenant of the state.--The state does hereby  
 2841 | pledge to, and agrees with, any person, firm, or corporation or  
 2842 | federal or state agency subscribing to or acquiring the bonds to  
 2843 | be issued by the authority for the purposes of this part that  
 2844 | the state will not limit or alter the rights hereby vested in  
 2845 | the authority and the department until all bonds at any time  
 2846 | issued, together with the interest thereon, are fully paid and  
 2847 | discharged insofar as the same affects the rights of the holders  
 2848 | of bonds issued hereunder. The state does further pledge to, and  
 2849 | agree with, the United States that, if any federal agency  
 2850 | constructs or contributes any funds for the completion,  
 2851 | extension, or improvement of the system or any part or portion  
 2852 | thereof, the state will not alter or limit the rights and powers

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2853 of the authority and the department in any manner which would be  
 2854 inconsistent with the continued maintenance and operation of the  
 2855 system or the completion, extension, or improvement thereof or  
 2856 which would be inconsistent with the due performance of any  
 2857 agreements between the authority and any such federal agency.  
 2858 The authority and the department shall continue to have and may  
 2859 exercise all powers herein granted so long as necessary or  
 2860 desirable for the carrying out of the purposes of this part and  
 2861 the purposes of the United States in the completion, extension,  
 2862 or improvement of the system or any part or portion thereof.

2863 Section 46. Section 343.747, Florida Statutes, is created  
 2864 to read:

2865 343.747 Remedies of the bondholders.--

2866 (1) The rights and the remedies in this section conferred  
 2867 upon or granted to the bondholders are in addition to and not in  
 2868 limitation of any rights and remedies lawfully granted to such  
 2869 bondholders by the resolution or resolutions providing for the  
 2870 issuance of bonds or by a lease-purchase agreement, deed of  
 2871 trust, indenture, or other agreement under which the bonds may  
 2872 be issued or secured. If the authority defaults in the payment  
 2873 of the principal of or interest on any of the bonds issued  
 2874 pursuant to the provisions of this part after such principal of  
 2875 or interest on the bonds becomes due, whether at maturity or  
 2876 upon call for redemption, or the department defaults in any  
 2877 payments under, or covenants made in, any lease-purchase  
 2878 agreement between the authority and the department, and such  
 2879 default continues for a period of 30 days, or if the authority  
 2880 or the department fails or refuses to comply with the provisions



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2881 of this part or any agreement made with, or for the benefit of,  
 2882 the holders of the bonds, the holders of 25 percent in aggregate  
 2883 principal amount of the bonds then outstanding may appoint a  
 2884 trustee to represent such bondholders for the purposes hereof,  
 2885 if such holders of 25 percent in aggregate principal amount of  
 2886 the bonds then outstanding shall first give notice of their  
 2887 intention to appoint a trustee to the authority and to the  
 2888 department. Such notice shall be deemed to have been given if  
 2889 given in writing, deposited in a securely sealed postpaid  
 2890 wrapper, mailed at a regularly maintained United States post  
 2891 office box or station, and addressed, respectively, to the chair  
 2892 of the authority and to the secretary of the department at the  
 2893 principal office of the department.

2894 (2) Such trustee and any trustee under any deed of trust,  
 2895 indenture, or other agreement may, and upon written request of  
 2896 the holders of 25 percent or such other percentages as are  
 2897 specified in any deed of trust, indenture, or other agreement  
 2898 aforsaid in principal amount of the bonds then outstanding  
 2899 shall, in any court of competent jurisdiction, in his, her, or  
 2900 its own name:

2901 (a) By mandamus or other suit, action, or proceeding at  
 2902 law or in equity, enforce all rights of the bondholders,  
 2903 including the right to require the authority to fix, establish,  
 2904 maintain, collect, and charge rates, fees, rentals, and other  
 2905 charges adequate to carry out any agreement as to or pledge of  
 2906 the revenues or receipts of the authority, to carry out any  
 2907 other covenants and agreements with or for the benefit of the

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2908 bondholders, and to perform its and their duties under this  
2909 part.

2910 (b) By mandamus or other suit, action, or proceeding at  
2911 law or in equity, enforce all rights of the bondholders under or  
2912 pursuant to any lease-purchase agreement between the authority  
2913 and the department, including the right to require the  
2914 department to make all rental payments required to be made by it  
2915 under the provisions of any such lease-purchase agreement and to  
2916 require the department to carry out any other covenants and  
2917 agreements with or for the benefit of the bondholders and to  
2918 perform its and their duties under this part.

2919 (c) Bring suit upon the bonds.

2920 (d) By action or suit in equity, require the authority or  
2921 the department to account as if it were the trustee of an  
2922 express trust for the bondholders.

2923 (e) By action or suit in equity, enjoin any acts or things  
2924 that may be unlawful or in violation of the rights of the  
2925 bondholders.

2926 (3) Any trustee, when appointed as aforesaid or acting  
2927 under a deed of trust, indenture, or other agreement, and  
2928 whether or not all bonds have been declared due and payable, may  
2929 appoint a receiver who may enter upon and take possession of the  
2930 system or the facilities or any part or parts thereof, the  
2931 rates, fees, rentals, or other revenues, charges, or receipts  
2932 from which are or may be applicable to the payment of the bonds  
2933 so in default, and, subject to and in compliance with the  
2934 provisions of any lease-purchase agreement between the authority  
2935 and the department, operate and maintain the same for and on

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2936 behalf of and in the name of the authority, the department, and  
 2937 the bondholders, and collect and receive all rates, fees,  
 2938 rentals, and other charges or receipts or revenues arising  
 2939 therefrom in the same manner as the authority or the department  
 2940 might do, and shall deposit all such moneys in a separate  
 2941 account and apply such moneys in such manner as the court shall  
 2942 direct. In any suit, action, or proceeding by the trustee, the  
 2943 fees, counsel fees, and expenses of the trustee and the  
 2944 receiver, if any, and all costs and disbursements allowed by the  
 2945 court shall be a first charge on any rates, fees, rentals, or  
 2946 other charges, revenues, or receipts derived from the system or  
 2947 the facilities or services or any part or parts thereof,  
 2948 including payments under any such lease-purchase agreement as  
 2949 aforesaid, which rates, fees, rentals, or other charges,  
 2950 revenues, or receipts may be applicable to the payment of the  
 2951 bonds so in default. Such trustee, in addition to the foregoing,  
 2952 possesses all of the powers necessary for the exercise of any  
 2953 functions specifically set forth herein or incident to the  
 2954 representation of the bondholders in the enforcement and  
 2955 protection of their rights.

2956 (4) This section or any other section of this part does  
 2957 not authorize any receiver appointed pursuant hereto for the  
 2958 purpose, subject to and in compliance with the provisions of any  
 2959 lease-purchase agreement between the authority and the  
 2960 department, of operating and maintaining the system or any  
 2961 facilities or part or parts thereof to sell, assign, mortgage,  
 2962 or otherwise dispose of any of the assets of whatever kind and  
 2963 character belonging to the authority. It is the intention of

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2964 | this part to limit the powers of such receiver, subject to and  
 2965 | in compliance with the provisions of any lease-purchase  
 2966 | agreement between the authority and the department, to the  
 2967 | operation and maintenance of the system or any facility or part  
 2968 | or parts thereof, as the court may direct, in the name and for  
 2969 | and on behalf of the authority, the department, and the  
 2970 | bondholders. In any suit, action, or proceeding at law or in  
 2971 | equity, a holder of bonds on the authority, a trustee, or any  
 2972 | court may not compel or direct a receiver to sell, assign,  
 2973 | mortgage, or otherwise dispose of any assets of whatever kind or  
 2974 | character belonging to the authority. A receiver also may not be  
 2975 | authorized to sell, assign, mortgage, or otherwise dispose of  
 2976 | any assets of whatever kind or character belonging to the  
 2977 | authority in any suit, action, or proceeding at law or in  
 2978 | equity.

2979 | Section 47. Section 343.749, Florida Statutes, is created  
 2980 | to read:

2981 | 343.749 Pledges enforceable by bondholders.--It is the  
 2982 | express intention of this part that any pledge to the authority  
 2983 | by the department of rates, fees, revenues, or other funds as  
 2984 | rentals, or any covenants or agreements relative thereto, is  
 2985 | enforceable in any court of competent jurisdiction against the  
 2986 | authority or directly against the department by any holder of  
 2987 | bonds issued by the authority.

2988 | Section 48. Section 343.751, Florida Statutes, is created  
 2989 | to read:

2990 | 343.751 Lease-purchase agreement.--

2991           (1) In order to effectuate the purposes of this part and  
 2992 as authorized by this part, the authority may enter into a  
 2993 lease-purchase agreement with the department relating to and  
 2994 covering authority projects within the eight-county Tampa Bay  
 2995 region.

2996           (2) Such lease-purchase agreement shall provide for the  
 2997 leasing of the system by the authority, as lessor, to the  
 2998 department, as lessee, shall prescribe the term of such lease  
 2999 and the rentals to be paid thereunder, and shall provide that,  
 3000 upon the completion of the faithful performance thereunder and  
 3001 the termination of such lease-purchase agreement, title in fee  
 3002 simple absolute to the system as then constituted shall be  
 3003 transferred in accordance with law by the authority to the state  
 3004 and the authority shall deliver to the department such deeds and  
 3005 conveyances as shall be necessary or convenient to vest title in  
 3006 fee simple absolute in the state.

3007           (3) Such lease-purchase agreement may include such other  
 3008 provisions, agreements, and covenants as the authority and the  
 3009 department deem advisable or required, including, but not  
 3010 limited to, provisions as to the bonds to be issued for the  
 3011 purposes of this part, the completion, extension, improvement,  
 3012 operation, and maintenance of the system and the expenses and  
 3013 the cost of operation of the authority, the charging and  
 3014 collection of tolls, rates, fees, and other charges for the use  
 3015 of the services and facilities thereof, and the application of  
 3016 federal or state grants or aid which may be made or given to  
 3017 assist the authority in the completion, extension, improvement,  
 3018 operation, and maintenance of the system.

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3019       (4) The department as lessee under such lease-purchase  
3020 agreement may pay as rentals thereunder any rates, fees,  
3021 charges, funds, moneys, receipts, or income accruing to the  
3022 department from the operation of the system and may also pay as  
3023 rentals any appropriations received by the department pursuant  
3024 to any act of the Legislature heretofore or hereafter enacted;  
3025 however, nothing in this section or in such lease-purchase  
3026 agreement is intended to require, nor shall this part or such  
3027 lease-purchase agreement require, the making or continuance of  
3028 such appropriations, nor shall any holder of bonds issued  
3029 pursuant to this part ever have any right to compel the making  
3030 or continuance of such appropriations.

3031       (5) The department shall have power to covenant in any  
3032 lease-purchase agreement that it will pay all or any part of the  
3033 cost of the operation, maintenance, repair, renewal, and  
3034 replacement of facilities, and any part of the cost of  
3035 completing facilities to the extent that the proceeds of bonds  
3036 issued are insufficient, from sources other than the revenues  
3037 derived from the operation of the system.

3038       Section 49. Section 343.753, Florida Statutes, is created  
3039 to read:

3040       343.753 Department may be appointed agent of authority for  
3041 construction.--The department may be appointed by the authority  
3042 as its agent for the purpose of constructing and completing  
3043 transportation projects, and improvements and extensions  
3044 thereto, in the authority's master plan. In such event, the  
3045 authority shall provide the department with complete copies of  
3046 all documents, agreements, resolutions, contracts, and

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3047 instruments relating thereto; shall request the department to do  
 3048 such construction work, including the planning, surveying, and  
 3049 actual construction of the completion, extensions, and  
 3050 improvements to the system; and shall transfer to the credit of  
 3051 an account of the department in the treasury of the state the  
 3052 necessary funds therefor. The department shall proceed with such  
 3053 construction and use the funds for such purpose in the same  
 3054 manner that it is now authorized to use the funds otherwise  
 3055 provided by law for its use in construction of commuter rail,  
 3056 commuter ferry, roads, bridges, and related transportation  
 3057 facilities.

3058 Section 50. Section 343.761, Florida Statutes, is created  
 3059 to read:

3060 343.761 Acquisition of lands and property.--

3061 (1) For the purposes of this part, the Tampa Bay Regional  
 3062 Transportation Authority may acquire private or public property  
 3063 and property rights, including rights of access, air, view, and  
 3064 light, by gift, devise, purchase, or condemnation by eminent  
 3065 domain proceedings, as the authority may deem necessary for any  
 3066 purpose of this part, including, but not limited to, any lands  
 3067 reasonably necessary for securing applicable permits, areas  
 3068 necessary for management of access, borrow pits, drainage  
 3069 ditches, water retention areas, rest areas, replacement access  
 3070 for landowners whose access is impaired due to the construction  
 3071 of a facility, and replacement rights-of-way for relocated rail  
 3072 and utility facilities; for existing, proposed, or anticipated  
 3073 transportation facilities within the eight-county Tampa Bay  
 3074 region identified by the authority; or for the purposes of

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3075 screening, relocation, removal, or disposal of junkyards and  
 3076 scrap metal processing facilities. The authority may condemn any  
 3077 material and property necessary for such purposes.

3078 (2) The right of eminent domain herein conferred shall be  
 3079 exercised by the authority in the manner provided by law.

3080 (3) When the authority acquires property for a  
 3081 transportation facility within the eight-county Tampa Bay  
 3082 region, the authority is not subject to any liability imposed by  
 3083 chapter 376 or chapter 403 for preexisting soil or groundwater  
 3084 contamination due solely to its ownership. This section does not  
 3085 affect the rights or liabilities of any past or future owners of  
 3086 the acquired property, nor does it affect the liability of any  
 3087 governmental entity for the results of its actions which create  
 3088 or exacerbate a pollution source. The authority and the  
 3089 Department of Environmental Protection may enter into  
 3090 interagency agreements for the performance, funding, and  
 3091 reimbursement of the investigative and remedial acts necessary  
 3092 for property acquired by the authority.

3093 Section 51. Section 343.771, Florida Statutes, is created  
 3094 to read:

3095 343.771 Cooperation with other units, boards, agencies,  
 3096 and individuals.--Express authority and power is hereby given  
 3097 and granted to any county, municipality, drainage district, road  
 3098 and bridge district, school district, or any other political  
 3099 subdivision, board, commission, or individual in or of the state  
 3100 to make and enter into contracts, leases, conveyances,  
 3101 partnerships, or other agreements with the authority within the  
 3102 provisions and purposes of this part. The authority may make and



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3103 enter into contracts, leases, conveyances, partnerships, and  
3104 other agreements with any political subdivision, agency, or  
3105 instrumentality of the state and any and all federal agencies,  
3106 corporations, and individuals for the purpose of carrying out  
3107 the provisions of this part.

3108 Section 52. Section 343.773, Florida Statutes, is created  
3109 to read:

3110 343.773 Public-private partnerships.--

3111 (1) The authority may receive or solicit proposals and  
3112 enter into agreements with private entities or consortia thereof  
3113 for the building, operation, ownership, or financing of  
3114 transportation facilities within the jurisdiction of the  
3115 authority. Before approval, the authority must determine that a  
3116 proposed project:

3117 (a) Is in the public's best interest.

3118 (b) Would not require state funds to be used unless the  
3119 project is on or provides increased mobility on the State  
3120 Highway System.

3121 (c) Would have adequate safeguards to ensure that  
3122 additional costs or service disruptions would not be realized by  
3123 the traveling public and citizens of the state in the event of  
3124 default or the cancellation of the agreement by the authority.

3125 (2) The authority shall ensure that all reasonable costs  
3126 to the state related to transportation facilities that are not  
3127 part of the State Highway System are borne by the private  
3128 entity. The authority also shall ensure that all reasonable  
3129 costs to the state and substantially affected local governments  
3130 and utilities related to the private transportation facility are

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3131 borne by the private entity for transportation facilities that  
3132 are owned by private entities. For projects on the State Highway  
3133 System, the department may use state resources to participate in  
3134 funding and financing the project as provided for under the  
3135 department's enabling legislation.

3136 (3) The authority may request proposals for public-private  
3137 transportation projects or, if it receives an unsolicited  
3138 proposal, the authority must publish a notice in the Florida  
3139 Administrative Weekly and a newspaper of general circulation in  
3140 the county in which the proposed project is located at least  
3141 once a week for 2 weeks stating that it has received the  
3142 proposal and will accept, for 60 days after the initial date of  
3143 publication, other proposals for the same project purpose. A  
3144 copy of the notice must be mailed to each local government in  
3145 the affected areas. After the public notification period has  
3146 expired, the authority shall rank the proposals in order of  
3147 preference. In ranking the proposals, the authority shall  
3148 consider professional qualifications, general business terms,  
3149 innovative engineering or cost-reduction terms, finance plans,  
3150 and the need for state funds to deliver the proposal. If the  
3151 authority is not satisfied with the results of the negotiations,  
3152 it may, at its sole discretion, terminate negotiations with the  
3153 proposer. If these negotiations are unsuccessful, the authority  
3154 may go to the second and lower-ranked firms, in order, using the  
3155 same procedure. If only one proposal is received, the authority  
3156 may negotiate in good faith and, if it is not satisfied with the  
3157 results, it may, at its sole discretion, terminate negotiations  
3158 with the proposer. Notwithstanding this subsection, the

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3159 authority may, at its discretion, reject all proposals at any  
3160 point in the process up to completion of a contract with the  
3161 proposer.

3162 (4) Agreements entered into pursuant to this section may  
3163 authorize the public-private entity to impose tolls or fares for  
3164 the use of the facility. However, the amount and use of toll or  
3165 fare revenues shall be regulated by the authority to avoid  
3166 unreasonable costs to users of the facility.

3167 (5) Each public-private transportation facility  
3168 constructed pursuant to this section shall comply with all  
3169 requirements of federal, state, and local laws; state, regional,  
3170 and local comprehensive plans; the authority's rules, policies,  
3171 procedures, and standards for transportation facilities; and any  
3172 other conditions that the authority determines to be in the  
3173 public's best interest.

3174 (6) The authority may exercise any of its powers,  
3175 including eminent domain, to facilitate the development and  
3176 construction of transportation projects pursuant to this  
3177 section. The authority may pay all or part of the cost of  
3178 operating and maintaining the facility or may provide services  
3179 to the private entity for which it receives full or partial  
3180 reimbursement for services rendered.

3181 (7) Except as provided in this section, this section is  
3182 not intended to amend existing law by granting additional powers  
3183 to or imposing further restrictions on the governmental entities  
3184 with regard to regulating and entering into cooperative  
3185 arrangements with the private sector for the planning,  
3186 construction, and operation of transportation facilities.

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3187       (8) The authority may adopt rules pursuant to ss.  
3188 120.536(1) and 120.54 to implement this section and shall, by  
3189 rule, establish an application fee for the submission of  
3190 unsolicited proposals under this section. The fee must be  
3191 sufficient to pay the costs of evaluating the proposals.

3192       Section 53. Section 343.781, Florida Statutes, is created  
3193 to read:

3194       343.781 Exemption from taxation.--The effectuation of the  
3195 authorized purposes of the authority created under this part is  
3196 for the benefit of the people of this state, for the increase of  
3197 their commerce and prosperity, and for the improvement of their  
3198 health and living conditions and, because the authority performs  
3199 essential governmental functions in effectuating such purposes,  
3200 the authority is not required to pay any taxes or assessments of  
3201 any kind or nature whatsoever upon any property acquired or used  
3202 by it for such purposes, or upon any rates, fees, rentals,  
3203 receipts, income, or charges at any time received by it. The  
3204 bonds issued by the authority, their transfer, and the income  
3205 therefrom, including any profits made on the sale thereof, shall  
3206 at all times be free from taxation of any kind by the state or  
3207 by any political subdivision, taxing agency, or instrumentality  
3208 thereof. The exemption granted by this section does not apply to  
3209 any tax imposed by chapter 220 on interest, income, or profits  
3210 on debt obligations owned by corporations.

3211       Section 54. Section 343.783, Florida Statutes, is created  
3212 to read:

3213       343.783 Eligibility for investments and security.--Any  
3214 bonds or other obligations issued pursuant to this part shall be

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3215 and constitute legal investments for banks, savings banks,  
 3216 trustees, executors, administrators, and all other fiduciaries  
 3217 and for all state, municipal, and other public funds and shall  
 3218 also be and constitute securities eligible for deposit as  
 3219 security for all state, municipal, or other public funds,  
 3220 notwithstanding the provisions of any other law to the contrary.

3221 Section 55. Section 343.791, Florida Statutes, is created  
 3222 to read:

3223 343.791 Complete and additional statutory authority.--

3224 (1) The powers conferred by this part are supplemental to  
 3225 the existing powers of the board and the department. This part  
 3226 does not repeal any of the provisions of any other law, general,  
 3227 special, or local, but supersedes such other laws in the  
 3228 exercise of the powers provided in this part and provides a  
 3229 complete method for the exercise of the powers granted in this  
 3230 part. The extension and improvement of the system, and the  
 3231 issuance of bonds hereunder to finance all or part of the cost  
 3232 thereof, may be accomplished upon compliance with the provisions  
 3233 of this part without regard to or necessity for compliance with  
 3234 the provisions, limitations, or restrictions contained in any  
 3235 other general, special, or local law, including, but not limited  
 3236 to, s. 215.821. An approval of any bonds issued under this part  
 3237 by the qualified electors or qualified electors who are  
 3238 freeholders in the state or in any other political subdivision  
 3239 of the state is not required for the issuance of such bonds  
 3240 pursuant to this part.

3241 (2) This part does not repeal, rescind, or modify any  
 3242 other law relating to the State Board of Administration, the

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3243 Department of Transportation, the Tampa-Hillsborough County  
3244 Expressway Authority, or the Division of Bond Finance within the  
3245 State Board of Administration; however, this part supersedes  
3246 such other laws as are inconsistent with its provisions,  
3247 including, but not limited to, s. 215.821.

3248 (3) This part does not preclude the department from  
3249 acquiring, holding, constructing, improving, maintaining,  
3250 operating, or owning tolled or nontolled facilities funded and  
3251 constructed from nonauthority sources that are part of the State  
3252 Highway System within the geographical boundaries of the Tampa  
3253 Bay Regional Transportation Authority.

3254 Section 56. Paragraph (a) of subsection (2) of section  
3255 343.81, Florida Statutes, is amended to read:

3256 343.81 Northwest Florida Transportation Corridor  
3257 Authority.--

3258 (2) (a) The governing body of the authority shall consist  
3259 of eight voting members, one each from Escambia, Santa Rosa,  
3260 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,  
3261 appointed by the Governor to a 4-year term. The appointees shall  
3262 be residents of their respective counties and may not hold an  
3263 elected office. Upon the effective date of his or her  
3264 appointment, or as soon thereafter as practicable, each  
3265 appointed member of the authority shall enter upon his or her  
3266 duties. Each appointed member shall hold office until his or her  
3267 successor has been appointed and has qualified. A vacancy  
3268 occurring during a term shall be filled only for the balance of  
3269 the unexpired term. Any member of the authority shall be  
3270 eligible for reappointment. Members of the authority may be

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3271 removed from office by the Governor for misconduct, malfeasance,  
3272 misfeasance, or nonfeasance in office.

3273 Section 57. The amendments made by this act to s. 343.81,  
3274 Florida Statutes, prohibiting the appointment of a person  
3275 holding an elected office to the Northwest Florida  
3276 Transportation Corridor Authority shall not prohibit any member  
3277 appointed prior to the effective date of this act from  
3278 completing his or her current term, and the prohibition shall  
3279 only apply to members appointed after the effective date of this  
3280 act.

3281 Section 58. Subsections (1) and (2) of section 343.82,  
3282 Florida Statutes, are amended to read:

3283 343.82 Purposes and powers.--

3284 (1) The primary purpose of the authority is to improve  
3285 mobility on the U.S. 98 corridor in Northwest Florida to enhance  
3286 traveler safety, identify and develop hurricane evacuation  
3287 routes, promote economic development along the corridor, and  
3288 implement transportation projects to alleviate current or  
3289 anticipated traffic congestion.

3290 (2) (a) The authority is authorized to construct any feeder  
3291 roads, reliever roads, connector roads, bypasses, or appurtenant  
3292 facilities that are intended to improve mobility along the U.S.  
3293 98 corridor. The transportation improvement projects may also  
3294 include all necessary approaches, roads, bridges, and avenues of  
3295 access that are desirable and proper with the concurrence, where  
3296 applicable, of the department if the project is to be part of  
3297 the State Highway System or the respective county or municipal

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3298 governing boards. Any transportation facilities constructed by  
3299 the authority may be tolled.

3300 (b) Notwithstanding any special act to the contrary, the  
3301 authority shall plan for and study the feasibility of  
3302 constructing, operating, and maintaining a bridge or bridges  
3303 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and  
3304 access roads to such bridge or bridges, including studying the  
3305 environmental and economic feasibility of such bridge or  
3306 bridges and access roads, and such other transportation  
3307 facilities that become part of such bridge system. The authority  
3308 may construct, operate, and maintain the bridge system if the  
3309 authority determines that the bridge system project is feasible  
3310 and consistent with the authority's primary purpose and master  
3311 plan.

3312 Section 59. Paragraph (d) of subsection (2) and paragraph  
3313 (a) of subsection (4) of section 348.0003, Florida Statutes, are  
3314 amended to read:

3315 348.0003 Expressway authority; formation; membership.--

3316 (2) The governing body of an authority shall consist of  
3317 not fewer than five nor more than nine voting members. The  
3318 district secretary of the affected department district shall  
3319 serve as a nonvoting member of the governing body of each  
3320 authority located within the district. Each member of the  
3321 governing body must at all times during his or her term of  
3322 office be a permanent resident of the county which he or she is  
3323 appointed to represent.

3324 (d) Notwithstanding any provision to the contrary in this  
3325 subsection, in any county as defined in s. 125.011(1), the



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3326 governing body of an authority shall consist of seven voting ~~up~~  
 3327 ~~to 13~~ members and two nonvoting members, and the following  
 3328 provisions of this paragraph shall apply specifically to such  
 3329 authority. One ~~Except for the district secretary of the~~  
 3330 ~~department, the members must be residents of the county. Seven~~  
 3331 voting member ~~members~~ shall be a county commissioner appointed  
 3332 by the chair of the governing body of the county. One voting  
 3333 member shall be a mayor of a municipality within the county at  
 3334 all times while serving on the authority and shall be appointed  
 3335 by the Miami-Dade County League of Cities. At the discretion of  
 3336 ~~the governing body of the county, up to two of the members~~  
 3337 ~~appointed by the governing body of the county may be elected~~  
 3338 ~~officials residing in the county. Five~~ citizens of Miami-Dade  
 3339 County or of its municipalities shall be appointed as voting  
 3340 members of the authority, of which three shall be appointed by  
 3341 the Governor and two shall be appointed by the county  
 3342 commission. These citizen appointees shall not be elected or  
 3343 appointed officials or employees of the county or of a  
 3344 municipality within the county. ~~One member shall be~~ The district  
 3345 secretary of the department serving in the district that  
 3346 contains such county shall be a nonvoting member of the  
 3347 authority. The chair of the Miami-Dade legislative delegation,  
 3348 or another member of the delegation appointed by the chair,  
 3349 shall be a nonvoting member of the authority. This member shall  
 3350 ~~be an ex officio voting member of the authority. If the~~  
 3351 ~~governing board of an authority includes any member originally~~  
 3352 ~~appointed by the governing body of the county as a nonvoting~~  
 3353 ~~member, when the term of such member expires, that member shall~~

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3354 ~~be replaced by a member appointed by the Governor until the~~  
3355 ~~governing body of the authority is composed of seven members~~  
3356 ~~appointed by the governing body of the county and five members~~  
3357 ~~appointed by the Governor.~~ The qualifications, terms of office,  
3358 and obligations and rights of members of the authority shall be  
3359 determined by resolution or ordinance of the governing body of  
3360 the county in a manner that is consistent with subsections (3)  
3361 and (4).

3362 (4) (a) An authority may employ an executive secretary, an  
3363 executive director, its own counsel and legal staff, technical  
3364 experts, and such engineers and employees, permanent or  
3365 temporary, as it may require and shall determine the  
3366 qualifications and fix the compensation of such persons, firms,  
3367 or corporations. An authority may employ a fiscal agent or  
3368 agents; however, the authority must solicit sealed proposals  
3369 from at least three persons, firms, or corporations for the  
3370 performance of any services as fiscal agents. An authority may  
3371 delegate to one or more of its agents or employees such of its  
3372 power as it deems necessary to carry out the purposes of the  
3373 Florida Expressway Authority Act, subject always to the  
3374 supervision and control of the authority. However,  
3375 notwithstanding any provision of law, an expressway authority  
3376 located in a county as defined in s. 125.011(1) may not contract  
3377 with any lobbyist as defined in s. 11.045(1)(f) to represent the  
3378 authority and its interests. This does not preclude full-time  
3379 employees of the authority from lobbying on the authority's  
3380 behalf. Members of an authority may be removed from office by

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3381 | the Governor for misconduct, malfeasance, misfeasance, or  
3382 | nonfeasance in office.

3383 |       Section 60. Paragraph (f) of subsection (2) and subsection  
3384 | (9) of section 348.0004, Florida Statutes, are amended to read:

3385 |       348.0004 Purposes and powers.--

3386 |       (2) Each authority may exercise all powers necessary,  
3387 | appurtenant, convenient, or incidental to the carrying out of  
3388 | its purposes, including, but not limited to, the following  
3389 | rights and powers:

3390 |       (f)1. To fix, alter, charge, establish, and collect tolls,  
3391 | rates, fees, rentals, and other charges for the services and  
3392 | facilities system, which tolls, rates, fees, rentals, and other  
3393 | charges must always be sufficient to comply with any covenants  
3394 | made with the holders of any bonds issued pursuant to the  
3395 | Florida Expressway Authority Act. However, such right and power  
3396 | may be assigned or delegated by the authority to the department.  
3397 | Notwithstanding s. 338.165 or any other provision of law to the  
3398 | contrary, in any county as defined in s. 125.011(1), to the  
3399 | extent surplus revenues exist, they may be used for purposes  
3400 | enumerated in subsection (7), provided the expenditures are  
3401 | consistent with the metropolitan planning organization's adopted  
3402 | long-range plan. Notwithstanding any other provision of law to  
3403 | the contrary, but subject to any contractual requirements  
3404 | contained in documents securing any outstanding indebtedness  
3405 | payable from tolls, in any county as defined in s. 125.011(1),  
3406 | the board of county commissioners may, by ordinance adopted on  
3407 | or before September 30, 1999, alter or abolish existing tolls  
3408 | and currently approved increases thereto if the board provides a

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3409 | local source of funding to the county expressway system for  
3410 | transportation in an amount sufficient to replace revenues  
3411 | necessary to meet bond obligations secured by such tolls and  
3412 | increases.

3413 |       2. Prior to raising tolls, whether paid by cash or  
3414 | electronic toll collection, an expressway authority in any  
3415 | county as defined in s. 125.011(1) shall publish a notice of the  
3416 | intent to raise tolls in a newspaper of general circulation, as  
3417 | defined in s. 97.021(18), in the county. The notice shall  
3418 | provide the amount of increase to be implemented for cash  
3419 | payment, electronic payment, or both, as applicable. The notice  
3420 | also shall provide a postal address, an electronic mail or  
3421 | Internet address, and a local telephone number for the purpose  
3422 | of receiving public comment on the issue of the toll increase.  
3423 | The notice shall be published two times, at least 7 days apart,  
3424 | with the first publication occurring not more than 90 days prior  
3425 | to the proposed effective date of the toll increase and the  
3426 | second publication occurring not fewer than 60 days prior to the  
3427 | proposed effective date of the toll increase. The provisions of  
3428 | this subparagraph shall not apply to any change in the toll rate  
3429 | for the use of any portion of the expressway system that has  
3430 | been approved by this authority prior to July 1, 2006.

3431 |       (9) The Legislature declares that there is a public need  
3432 | for rapid construction of safe and efficient transportation  
3433 | facilities for travel within the state and that it is in the  
3434 | public's interest to provide for public-private partnership  
3435 | agreements to effectuate the construction of additional safe,  
3436 | convenient, and economical transportation facilities.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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3437 (a) Notwithstanding any other provision of the Florida  
 3438 Expressway Authority Act, any expressway authority,  
 3439 transportation authority, bridge authority, or toll authority  
 3440 established under this part or any other statute may receive or  
 3441 solicit proposals and enter into agreements with private  
 3442 entities, or consortia thereof, for the building, operation,  
 3443 ownership, or financing of ~~expressway~~ authority transportation  
 3444 facilities or new transportation facilities within the  
 3445 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~  
 3446 authority is authorized to adopt rules to implement this  
 3447 subsection and shall, by rule, establish an application fee for  
 3448 the submission of unsolicited proposals under this subsection.  
 3449 The fee must be sufficient to pay the costs of evaluating the  
 3450 proposals. An ~~expressway~~ authority may engage private  
 3451 consultants to assist in the evaluation. Before approval, an  
 3452 ~~expressway~~ authority must determine that a proposed project:

- 3453 1. Is in the public's best interest.
- 3454 2. Would not require state funds to be used unless the  
 3455 project is on or provides increased mobility on the State  
 3456 Highway System.
- 3457 3. Would have adequate safeguards to ensure that no  
 3458 additional costs or service disruptions would be realized by the  
 3459 traveling public and residents ~~citizens~~ of the state in the  
 3460 event of default or the cancellation of the agreement by the  
 3461 ~~expressway~~ authority.

3462 (b) An ~~expressway~~ authority shall ensure that all  
 3463 reasonable costs to the state which are, related to  
 3464 transportation facilities that are not part of the State Highway

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3465 System, are borne by the private entity. An ~~expressway~~ authority  
3466 shall also ensure that all reasonable costs to the state and  
3467 substantially affected local governments and utilities related  
3468 to the private transportation facility are borne by the private  
3469 entity for transportation facilities that are owned by private  
3470 entities. For projects on the State Highway System, the  
3471 department may use state resources to participate in funding and  
3472 financing the project as provided for under the department's  
3473 enabling legislation.

3474 (c) The ~~expressway~~ authority may request proposals for  
3475 public-private transportation projects or, if it receives an  
3476 unsolicited proposal, it must publish a notice in the Florida  
3477 Administrative Weekly and a newspaper of general circulation in  
3478 the county in which it is located at least once a week for 2  
3479 weeks, stating that it has received the proposal and will  
3480 accept, for 60 days after the initial date of publication, other  
3481 proposals for the same project purpose. A copy of the notice  
3482 must be mailed to each local government in the affected areas.  
3483 After the public notification period has expired, the ~~expressway~~  
3484 authority shall rank the proposals in order of preference. In  
3485 ranking the proposals, the ~~expressway~~ authority shall consider  
3486 professional qualifications, general business terms, innovative  
3487 engineering or cost-reduction terms, finance plans, and the need  
3488 for state funds to deliver the proposal. If the ~~expressway~~  
3489 authority is not satisfied with the results of the negotiations,  
3490 it may, at its sole discretion, terminate negotiations with the  
3491 proposer. If these negotiations are unsuccessful, the ~~expressway~~  
3492 authority may go to the second and lower-ranked firms, in order,

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3493 using the same procedure. If only one proposal is received, the  
3494 ~~expressway~~ authority may negotiate in good faith, and if it is  
3495 not satisfied with the results, it may, at its sole discretion,  
3496 terminate negotiations with the proposer. Notwithstanding this  
3497 paragraph, the ~~expressway~~ authority may, at its discretion,  
3498 reject all proposals at any point in the process up to  
3499 completion of a contract with the proposer.

3500 (d) The department may lend funds from the Toll Facilities  
3501 Revolving Trust Fund, as outlined in s. 338.251, to public-  
3502 private partnerships. To be eligible, a private entity must  
3503 comply with s. 338.251 and must provide an indication from a  
3504 nationally recognized rating agency that the senior bonds for  
3505 the project will be investment grade or must provide credit  
3506 support, such as a letter of credit or other means acceptable to  
3507 the department, to ensure that the loans will be fully repaid.

3508 (e) Agreements entered into pursuant to this subsection  
3509 may authorize the public-private entity to impose tolls or fares  
3510 for the use of the facility. However, the amount and use of toll  
3511 or fare revenues shall be regulated by the ~~expressway~~ authority  
3512 to avoid unreasonable costs to users of the facility.

3513 (f) Each public-private transportation facility  
3514 constructed pursuant to this subsection shall comply with all  
3515 requirements of federal, state, and local laws; state, regional,  
3516 and local comprehensive plans; the ~~expressway~~ authority's rules,  
3517 policies, procedures, and standards for transportation  
3518 facilities; and any other conditions that the ~~expressway~~  
3519 authority determines to be in the public's best interest.

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3520 (g) An ~~expressway~~ authority may exercise any power  
 3521 possessed by it, including eminent domain, to facilitate the  
 3522 development and construction of transportation projects pursuant  
 3523 to this subsection. An ~~expressway~~ authority may pay all or part  
 3524 of the cost of operating and maintaining the facility or may  
 3525 provide services to the private entity for which it receives  
 3526 full or partial reimbursement for services rendered.

3527 (h) Except as herein provided, this subsection is not  
 3528 intended to amend existing laws by granting additional powers to  
 3529 or further restricting the governmental entities from regulating  
 3530 and entering into cooperative arrangements with the private  
 3531 sector for the planning, construction, and operation of  
 3532 transportation facilities. Use of the powers granted in this  
 3533 subsection may not subject a statutorily created expressway  
 3534 authority, transportation authority, bridge authority, or toll  
 3535 authority, other than one statutorily created under this part,  
 3536 to any of the requirements of this part other than those  
 3537 contained in this subsection.

3538 Section 61. Section 348.0012, Florida Statutes, is amended  
 3539 to read:

3540 348.0012 Exemptions from applicability.--The Florida  
 3541 Expressway Authority Act does not apply:

3542 (1) In a county in which an expressway authority has been  
 3543 created pursuant to parts II-IX of this chapter, except as  
 3544 expressly provided in this part; or

3545 (2) To a transportation authority created pursuant to  
 3546 chapter 349.



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3547 Section 62. Subsection (6) is added to section 348.754,  
3548 Florida Statutes, to read:

3549 348.754 Purposes and powers.--

3550 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange  
3551 County Expressway Authority may waive payment and performance  
3552 bonds on construction contracts for the construction of a public  
3553 building, for the prosecution and completion of a public work,  
3554 or for repairs on a public building or public work that has a  
3555 cost of \$500,000 or less and when the project is awarded  
3556 pursuant to an economic development program for the  
3557 encouragement of local small businesses that has been adopted by  
3558 the governing body of the Orlando-Orange County Expressway  
3559 Authority pursuant to a resolution or policy.

3560 (b) The authority's adopted criteria for participation in  
3561 the economic development program for local small businesses  
3562 requires that a participant:

3563 1. Be an independent business.

3564 2. Be principally domiciled in the Orange County Standard  
3565 Metropolitan Statistical Area.

3566 3. Employ 25 or fewer full-time employees.

3567 4. Have gross annual sales averaging \$3 million or less  
3568 over the immediately preceding 3 calendar years with regard to  
3569 any construction element of the program.

3570 5. Be accepted as a participant in the Orlando-Orange  
3571 County Expressway Authority's microcontracts program or such  
3572 other small business program as may be hereinafter enacted by  
3573 the Orlando-Orange County Expressway Authority.

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3574 6. Participate in an educational curriculum or technical  
3575 assistance program for business development that will assist the  
3576 small business in becoming eligible for bonding.

3577 (c) The authority's adopted procedures for waiving payment  
3578 and performance bonds on projects with values not less than  
3579 \$200,000 and not exceeding \$500,000 shall provide that payment  
3580 and performance bonds may only be waived on projects that have  
3581 been set aside to be competitively bid on by participants in an  
3582 economic development program for local small businesses. The  
3583 authority's executive director or his or her designee shall  
3584 determine whether specific construction projects are suitable  
3585 for:

3586 1. Bidding under the authority's microcontracts program by  
3587 registered local small businesses; and

3588 2. Waiver of the payment and performance bond.

3589  
3590 The decision of the authority's executive director or deputy  
3591 executive director to waive the payment and performance bond  
3592 shall be based upon his or her investigation and conclusion that  
3593 there exists sufficient competition so that the authority  
3594 receives a fair price and does not undertake any unusual risk  
3595 with respect to such project.

3596 (d) For any contract for which a payment and performance  
3597 bond has been waived pursuant to the authority set forth in this  
3598 section, the Orlando-Orange County Expressway Authority shall  
3599 pay all persons defined in s. 713.01 who furnish labor,  
3600 services, or materials for the prosecution of the work provided  
3601 for in the contract to the same extent and upon the same

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3602 conditions that a surety on the payment bond under s. 255.05  
3603 would have been obligated to pay such persons if the payment and  
3604 performance bond had not been waived. The authority shall record  
3605 notice of this obligation in the manner and location that surety  
3606 bonds are recorded. The notice shall include the information  
3607 describing the contract that s. 255.05(1) requires be stated on  
3608 the front page of the bond. Notwithstanding that s. 255.05(9)  
3609 generally applies when a performance and payment bond is  
3610 required, s. 255.05(9) shall apply under this subsection to any  
3611 contract on which performance or payment bonds are waived and  
3612 any claim to payment under this subsection shall be treated as a  
3613 contract claim pursuant to s. 255.05(9).

3614 (e) A small business that has been the successful bidder  
3615 on six projects for which the payment and performance bond was  
3616 waived by the authority pursuant to paragraph (a) shall be  
3617 ineligible to bid on additional projects for which the payment  
3618 and performance bond is to be waived. The local small business  
3619 may continue to participate in other elements of the economic  
3620 development program for local small businesses as long as it is  
3621 eligible.

3622 (f) The authority shall conduct bond eligibility training  
3623 for businesses qualifying for bond waiver under this subsection  
3624 to encourage and promote bond eligibility for such businesses.

3625 (g) The authority shall prepare a biennial report on the  
3626 activities undertaken pursuant to this subsection to be  
3627 submitted to the Orange County legislative delegation. The  
3628 initial report shall be due December 31, 2008.

3629 Section 63. Part X of chapter 348, Florida Statutes, is  
 3630 redesignated as part XI, and a new part X, consisting of  
 3631 sections 348.9801, 348.9802, 348.9803, 348.9804, 348.9805,  
 3632 348.9806, 348.9808, 348.9809, 348.9811, 348.9812, 348.9813,  
 3633 348.9814, 348.9815, 348.9816, and 348.9817, is added to that  
 3634 chapter to read:

3635 PART X

3636 Osceola County Expressway Authority

3637 348.9801 Short title.--This part may be cited as the  
 3638 "Osceola County Expressway Authority Law."

3639 348.9802 Definitions.--The following terms, whenever used  
 3640 or referred to in this part, shall have the following meanings,  
 3641 except in those instances where the context clearly indicates  
 3642 otherwise:

3643 (1) "Agency of the state" means and includes the state and  
 3644 any department of, or corporation, agency, or instrumentality  
 3645 heretofore or hereafter created, designated, or established by,  
 3646 the state.

3647 (2) "Authority" means the body politic and corporate and  
 3648 agency of the state created by this part.

3649 (3) "Bonds" means and includes the notes, bonds, refunding  
 3650 bonds, or other evidences of indebtedness or obligations, in  
 3651 either temporary or definitive form, which the authority is  
 3652 authorized to issue pursuant to this part.

3653 (4) "County" means Osceola County.

3654 (5) "Department" means the Department of Transportation.

3655 (6) "Expressway" is the same as limited access expressway.

3656        (7) "Federal agency" means and includes the United States,  
3657 the President of the United States, and any department of or  
3658 corporation, agency, or instrumentality heretofore or hereafter  
3659 created, designated, or established by the United States.

3660        (8) "Lease-purchase agreement" means the lease-purchase  
3661 agreements which the authority is authorized pursuant to this  
3662 part to enter into with the department.

3663        (9) "Limited access expressway" means a street or highway  
3664 especially designed for through traffic and over, from, or to  
3665 which no person shall have the right of easement, use, or access  
3666 except in accordance with the rules and regulations promulgated  
3667 and established by the authority for the use of such facility.  
3668 Such highways or streets may be parkways from which trucks,  
3669 buses, and other commercial vehicles shall be excluded or they  
3670 may be freeways open to use by all customary forms of street and  
3671 highway traffic.

3672        (10) "Members" means the governing body of the authority,  
3673 and the term "member" means one of the individuals constituting  
3674 such governing body.

3675        (11) "Osceola County gasoline tax funds" means all of the  
3676 80-percent surplus gasoline tax funds accruing in each year to  
3677 the department for use in Osceola County under the provisions of  
3678 s. 9, Art. XII of the State Constitution after deduction only of  
3679 any amounts of said gasoline tax funds heretofore pledged by the  
3680 department or the county for outstanding obligations.

3681        (12) "Osceola County Expressway System" means any and all  
3682 expressways and appurtenant facilities thereto, including, but  
3683 not limited to, all approaches, roads, bridges, and avenues of

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3684 access for said expressways, whether tolled or nontolled, that  
3685 are either built by the authority or whose ownership is  
3686 transferred to the authority by other governmental or private  
3687 entities.

3688 (13) "State Board of Administration" means the body  
3689 corporate existing under the provisions of s. 9, Art. XII of the  
3690 State Constitution or any successor thereto.

3691 348.9803 Osceola County Expressway Authority.--

3692 (1) There is hereby created and established a body politic  
3693 and corporate, an agency of the state, to be known as the  
3694 Osceola County Expressway Authority, hereinafter referred to as  
3695 "authority."

3696 (2) (a) The governing body of the authority shall consist  
3697 of six members. Three members shall be citizens of Osceola  
3698 County, who shall be appointed by the governing body of the  
3699 county. Two members shall be citizens of Osceola County  
3700 appointed by the Governor. The term of each appointed member  
3701 shall be for 4 years. However, the members appointed by the  
3702 Governor for the first time shall serve a term of 2 years. Each  
3703 appointed member shall hold office until his or her successor  
3704 has been appointed and has qualified. A vacancy occurring during  
3705 a term shall be filled only for the balance of the unexpired  
3706 term. Each appointed member of the authority shall be a person  
3707 of outstanding reputation for integrity, responsibility, and  
3708 business ability, but no person who is an officer or employee of  
3709 any city or of Osceola County in any other capacity shall be an  
3710 appointed member of the authority. A member of the authority  
3711 shall be eligible for reappointment.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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3712 (b) Members of the authority may be removed from office by  
3713 the Governor for misconduct, malfeasance, or nonfeasance in  
3714 office.

3715 (c) The district secretary of the department serving in  
3716 the district that includes Osceola County shall serve as an ex  
3717 officio, nonvoting member.

3718 (3) (a) The authority shall elect one of its members as  
3719 chair of the authority. The authority shall also elect a  
3720 secretary and a treasurer who may or may not be members of the  
3721 authority. The chair, secretary, and treasurer shall hold such  
3722 offices at the will of the authority.

3723 (b) Four members of the authority shall constitute a  
3724 quorum, and the vote of three members shall be necessary for any  
3725 action taken by the authority. No vacancy in the authority shall  
3726 impair the right of a quorum of the authority to exercise all of  
3727 the rights and perform all of the duties of the authority.

3728 (4) (a) The authority may employ an executive secretary, an  
3729 executive director, its own counsel and legal staff, technical  
3730 experts, such engineers, and such employees, permanent or  
3731 temporary, as it may require; may determine the qualifications  
3732 and fix the compensation of such persons, firms, or  
3733 corporations; and may employ a fiscal agent or agents. However,  
3734 the authority shall solicit sealed proposals from at least three  
3735 persons, firms, or corporations for the performance of any  
3736 services as fiscal agents. The authority may delegate to one or  
3737 more of its agents or employees such of its power as it shall  
3738 deem necessary to carry out the purposes of this part, subject  
3739 always to the supervision and control of the authority.

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3740           (b) Members of the authority shall be entitled to receive  
 3741 from the authority their travel and other necessary expenses  
 3742 incurred in connection with the business of the authority as  
 3743 provided in s. 112.061, but they shall draw no salaries or other  
 3744 compensation.

3745           348.9804 Purposes and powers.--

3746           (1) (a) The authority created and established by the  
 3747 provisions of this part is hereby granted and shall have the  
 3748 right to acquire, hold, construct, improve, maintain, operate,  
 3749 own, and lease in the capacity of lessor the Osceola County  
 3750 Expressway System, hereinafter referred to as "system."

3751           (b) It is the express intention of this part that the  
 3752 authority, in the construction of the Osceola County Expressway  
 3753 System, shall be authorized to construct any extensions,  
 3754 additions, or improvements to the system or appurtenant  
 3755 facilities, including all necessary approaches, roads, bridges,  
 3756 and avenues of access with such changes, modifications, or  
 3757 revisions of the project as shall be deemed desirable and  
 3758 proper. No project shall become part of the State Highway System  
 3759 without the concurrence of the department.

3760           (2) The authority is hereby granted and shall have and may  
 3761 exercise all powers necessary, appurtenant, convenient, or  
 3762 incidental to the carrying out of its purposes, including, but  
 3763 not limited to, the following rights and powers:

3764           (a) To sue and be sued, implead and be impleaded, and  
 3765 complain and defend in all courts.

3766           (b) To adopt, use, and alter at will a corporate seal.



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3767        (c) To acquire by donation or otherwise, purchase, hold,  
3768 lease as lessee, and use any franchise or property, real,  
3769 personal, or mixed, tangible or intangible, or any options  
3770 thereof, in its own name or in conjunction with others, or  
3771 interest therein, necessary or desirable for carrying out the  
3772 purposes of the authority, and to sell, lease as lessor,  
3773 transfer, and dispose of any property or interest therein at any  
3774 time acquired by it.

3775        (d) To enter into and make leases for terms not exceeding  
3776 40 years as either lessee or lessor in order to carry out the  
3777 right to lease as set forth in this part.

3778        (e) To enter into and make lease-purchase agreements with  
3779 the department for terms not exceeding 40 years or until any  
3780 bonds secured by a pledge of rentals thereunder and any  
3781 refundings thereof are fully paid as to both principal and  
3782 interest, whichever is longer.

3783        (f) To fix, alter, charge, establish, and collect rates,  
3784 fees, rentals, and other charges for the services and facilities  
3785 of the Osceola County Expressway System, which rates, fees,  
3786 rentals, and other charges shall always be sufficient to comply  
3787 with any covenants made with the holders of any bonds issued  
3788 pursuant to this part; however, such right and power may be  
3789 assigned or delegated by the authority to the department.

3790        (g) To borrow money and make and issue negotiable notes,  
3791 bonds, refunding bonds, and other evidences of indebtedness or  
3792 obligations, either in temporary or definitive form, in this  
3793 part sometimes called "bonds" of the authority, for the purpose  
3794 of financing all or part of the improvement or extension of the

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3795 Osceola County Expressway System and appurtenant facilities,  
3796 including all approaches, streets, roads, bridges, and avenues  
3797 of access for the Osceola County Expressway System and for any  
3798 other purpose authorized by this part, said bonds to mature in  
3799 not exceeding 40 years after the date of the issuance thereof,  
3800 and to secure the payment of such bonds or any part thereof by a  
3801 pledge of any or all of its revenues, rates, fees, rentals, or  
3802 other charges, including all or any portion of the Osceola  
3803 County gasoline tax funds received by the authority pursuant to  
3804 the terms of any lease-purchase agreement between the authority  
3805 and the department; and, in general, to provide for the security  
3806 of the bonds and the rights and remedies of the holders thereof.  
3807 However, no portion of the Osceola County gasoline tax funds  
3808 shall be pledged for the construction of any project for which a  
3809 toll is to be charged unless the anticipated tolls are  
3810 reasonably estimated by the board of county commissioners, at  
3811 the date of its resolution pledging said funds, to be sufficient  
3812 to cover the principal and interest of such obligations during  
3813 the period when said pledge of funds shall be in effect.

3814 1. The authority shall reimburse Osceola County for any  
3815 sums expended from said gasoline tax funds used for the payment  
3816 of such obligations. Any gasoline tax funds so disbursed shall  
3817 be repaid when the authority deems it practicable, together with  
3818 interest at the highest rate applicable to any obligations of  
3819 the authority.

3820 2. If the authority determines to fund or refund any bonds  
3821 theretofore issued by the authority or by the board of county  
3822 commissioners as aforesaid prior to the maturity thereof, the

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3823 proceeds of the funding or refunding bonds shall, pending the  
3824 prior redemption of the bonds to be funded or refunded, be  
3825 invested in direct obligations of the United States. It is the  
3826 express intention of this part that such outstanding bonds may  
3827 be funded or refunded by the issuance of bonds pursuant to this  
3828 part.

3829 (h) To make contracts of every name and nature, including,  
3830 but not limited to, partnerships providing for participation in  
3831 ownership and revenues, and to execute all instruments necessary  
3832 or convenient for the carrying on of its business.

3833 (i) Without limitation of the foregoing, to borrow money  
3834 and accept grants from and to enter into contracts, leases, or  
3835 other transactions with any federal agency, the state, any  
3836 agency of the state, Osceola County, or with any other public  
3837 body of the state.

3838 (j) To have the power of eminent domain, including the  
3839 procedural powers granted under chapters 73 and 74.

3840 (k) To pledge, hypothecate, or otherwise encumber all or  
3841 any part of the revenues, rates, fees, rentals, or other charges  
3842 or receipts of the authority, including all or any portion of  
3843 the Osceola County gasoline tax funds received by the authority  
3844 pursuant to the terms of any lease-purchase agreement between  
3845 the authority and the department, as security for all or any of  
3846 the obligations of the authority.

3847 (l) To enter into partnership and other agreements  
3848 respecting ownership and revenue participation in order to  
3849 facilitate financing and constructing any project or portions  
3850 thereof.

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3851 (m) To participate in developer agreements or to receive  
3852 developer contributions.

3853 (n) To contract with Osceola County for the operation of a  
3854 toll facility within the county.

3855 (o) To do all acts and things necessary or convenient for  
3856 the conduct of its business and the general welfare of the  
3857 authority in order to carry out the powers granted to it by this  
3858 part or any other law.

3859 (p) With the consent of the county within whose  
3860 jurisdiction the following activities occur, to construct,  
3861 operate, and maintain roads, bridges, avenues of access,  
3862 thoroughfares, and boulevards outside the jurisdictional  
3863 boundaries of Osceola County together with the right to  
3864 construct, repair, replace, operate, install, and maintain  
3865 electronic toll payment systems thereon with all necessary and  
3866 incidental powers to accomplish the foregoing.

3867 (3) The authority shall have no power at any time or in  
3868 any manner to pledge the credit or taxing power of the state or  
3869 any political subdivision or agency thereof, including Osceola  
3870 County, nor shall any of the authority's obligations be deemed  
3871 to be obligations of the state or of any political subdivision  
3872 or agency thereof, nor shall the state or any political  
3873 subdivision or agency thereof, except the authority, be liable  
3874 for the payment of the principal of or interest on such  
3875 obligations.

3876 (4) Anything in this part to the contrary notwithstanding,  
3877 acquisition of right-of-way for a project of the authority which  
3878 is within the boundaries of any municipality in Osceola County

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3879 shall not be started unless and until the route of said project  
3880 within said municipality has been given prior approval by the  
3881 governing body of said municipality.

3882 (5) Anything in this part to the contrary notwithstanding,  
3883 acquisition of right-of-way for a project of the authority which  
3884 is within the unincorporated area of Osceola County shall not be  
3885 started unless and until the route of said project within the  
3886 unincorporated area has been given prior approval by the  
3887 governing body of Osceola County.

3888 (6) The authority shall have no power other than by  
3889 consent of Osceola County or any affected city to enter into any  
3890 agreement which would legally prohibit the construction of any  
3891 road by Osceola County or by any municipality within Osceola  
3892 County.

3893 (7) This part does not preclude the department from  
3894 acquiring, holding, constructing, improving, maintaining,  
3895 operating, or owning tolled or nontolled facilities funded and  
3896 constructed from nonauthority revenue sources that are part of  
3897 the State Highway System within the geographical boundaries of  
3898 the Osceola County Expressway Authority.

3899 348.9805 Authority for bond financing of  
3900 improvements.--Pursuant to s. 11(f), Art. VII of the State  
3901 Constitution, the Legislature hereby approves for bond financing  
3902 by the Osceola County Expressway Authority improvements to toll  
3903 collection facilities, interchanges to the legislatively  
3904 approved expressway system, and any other facility appurtenant,  
3905 necessary, or incidental to the approved system. Subject to  
3906 terms and conditions of applicable revenue bond resolutions and

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3907 covenants, such costs may be financed in whole or in part by  
 3908 revenue bonds issued pursuant to s. 348.9806(1)(a) or (b)  
 3909 whether currently issued or issued in the future, or by a  
 3910 combination of such bonds.

3911 348.9806 Bonds of the authority.--

3912 (1)(a) Bonds may be issued on behalf of the authority  
 3913 pursuant to the State Bond Act.

3914 (b) Alternatively, the authority may issue its own bonds  
 3915 pursuant to this part at such times and in such principal amount  
 3916 as, in the opinion of the authority, is necessary to provide  
 3917 sufficient moneys for achieving its purposes; however, such  
 3918 bonds may not pledge the full faith and credit of the state.  
 3919 Bonds issued by the authority pursuant to this paragraph or  
 3920 paragraph (a), whether on original issuance or on refunding,  
 3921 shall be authorized by resolution of the members thereof, may be  
 3922 either term or serial bonds, and shall bear such date or dates,  
 3923 mature at such time or times, not exceeding 40 years after their  
 3924 respective dates, bear interest at such rate or rates, payable  
 3925 semiannually, be in such denominations, be in such form, either  
 3926 coupon or fully registered, carry such registration,  
 3927 exchangeability, and interchangeability privileges, be payable  
 3928 in such medium of payment and at such place or places, be  
 3929 subject to such terms of redemption, and be entitled to such  
 3930 priorities on the revenues, rates, fees, rentals, or other  
 3931 charges or receipts of the authority including the Osceola  
 3932 County gasoline tax funds received by the authority pursuant to  
 3933 the terms of any lease-purchase agreement between the authority  
 3934 and the department, as such resolution or any resolution

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3935 subsequent thereto may provide. The bonds shall be executed  
3936 either by manual or facsimile signature by such officers as the  
3937 authority shall determine, provided that such bonds shall bear  
3938 at least one signature which is manually executed thereon, and  
3939 the coupons attached to such bonds shall bear the facsimile  
3940 signature or signatures of such officer or officers as shall be  
3941 designated by the authority and shall have the seal of the  
3942 authority affixed, imprinted, reproduced, or lithographed  
3943 thereon, all as may be prescribed in such resolution or  
3944 resolutions.

3945 (c) Bonds issued pursuant to paragraph (a) or paragraph  
3946 (b) shall be sold at public sale in the same manner provided by  
3947 the State Bond Act. However, if the authority shall, by official  
3948 action at a public meeting, determine that a negotiated sale of  
3949 such bonds is in the best interest of the authority, the  
3950 authority may negotiate the sale of such bonds with the  
3951 underwriter designated by the authority and the Division of Bond  
3952 Finance of the State Board of Administration with respect to  
3953 bonds issued pursuant to paragraph (a) or solely the authority  
3954 with respect to bonds issued pursuant to paragraph (b). The  
3955 authority's determination to negotiate the sale of such bonds  
3956 may be based, in part, upon the written advice of the  
3957 authority's financial adviser. Pending the preparation of  
3958 definitive bonds, interim certificates may be issued to the  
3959 purchaser or purchasers of such bonds and may contain such terms  
3960 and conditions as the authority may determine.

3961 (d) The authority may issue bonds pursuant to paragraph  
3962 (b) to refund any bonds previously issued regardless of whether

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3963 | the bonds being refunded were issued by the authority pursuant  
3964 | to this chapter or on behalf of the authority pursuant to the  
3965 | State Bond Act.

3966 |       (2) The authority may employ fiscal agents as provided by  
3967 | this part or the State Board of Administration may, upon request  
3968 | of the authority, act as fiscal agent for the authority in the  
3969 | issuance of any bonds which may be issued pursuant to this part.  
3970 | The State Board of Administration may, upon request of the  
3971 | authority, take over the management, control, administration,  
3972 | custody, and payment of any or all debt services or funds or  
3973 | assets now or hereafter available for any bonds issued pursuant  
3974 | to this part. The authority may enter into any deeds of trust,  
3975 | indentures, or other agreements with its fiscal agent or with  
3976 | any bank or trust company within or without the state as  
3977 | security for such bonds and may, under such agreements, sign and  
3978 | pledge all or any of the revenues, rates, fees, rentals, or  
3979 | other charges or receipts of the authority, including all or any  
3980 | portion of the Osceola County gasoline tax funds received by the  
3981 | authority pursuant to the terms of any lease-purchase agreement  
3982 | between the authority and the department, thereunder. Such deed  
3983 | of trust, indenture, or other agreement may contain such  
3984 | provisions as are customary in such instruments or as the  
3985 | authority may authorize.

3986 |       (3) Any of the bonds issued pursuant to this part are, and  
3987 | are hereby declared to be, negotiable instruments and shall have  
3988 | all the qualities and incidents of negotiable instruments under  
3989 | the law merchant and the negotiable instruments law of the  
3990 | state.



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3991           (4) Notwithstanding any of the provisions of this part,  
 3992 each project, building, or facility which has been financed by  
 3993 the issuance of bonds or other evidence of indebtedness under  
 3994 this part and any refinancing thereof is hereby approved as  
 3995 provided for in s. 11(f), Art. VII of the State Constitution.

3996           348.9808 Lease-purchase agreement.--

3997           (1) In order to effectuate the purposes of this part and  
 3998 as authorized by this part, the authority may enter into a  
 3999 lease-purchase agreement with the department relating to and  
 4000 covering the Osceola County Expressway System.

4001           (2) Such lease-purchase agreement shall provide for the  
 4002 leasing of the Osceola County Expressway System by the authority  
 4003 as lessor to the department as lessee, shall prescribe the term  
 4004 of such lease and the rentals to be paid thereunder, and shall  
 4005 provide that, upon the completion of the faithful performance  
 4006 thereunder and the termination of such lease-purchase agreement,  
 4007 title in fee simple absolute to the Osceola County Expressway  
 4008 System as then constituted shall be transferred in accordance  
 4009 with law by the authority to the state and the authority shall  
 4010 deliver to the department such deeds and conveyances as shall be  
 4011 necessary or convenient to vest title in fee simple absolute in  
 4012 the state.

4013           348.9809 Department may be appointed agent of authority  
 4014 for construction.--The authority may appoint the department as  
 4015 its agent for the purpose of constructing improvements and  
 4016 extensions to the Osceola County Expressway System and for the  
 4017 completion thereof. In such event, the authority shall provide  
 4018 the department with complete copies of all documents,

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4019 agreements, resolutions, contracts, and instruments relating  
 4020 thereto; shall request the department to do such construction  
 4021 work, including the planning, surveying, and actual construction  
 4022 of the completion, extensions, and improvements of the Osceola  
 4023 County Expressway System; and shall transfer to the credit of an  
 4024 account of the department in the treasury of the state the  
 4025 necessary funds therefor, and the department shall thereupon be  
 4026 authorized, empowered, and directed to proceed with such  
 4027 construction and to use the funds for such purpose in the same  
 4028 manner that it is now authorized to use the funds otherwise  
 4029 provided by law for its use in construction of roads and  
 4030 bridges.

4031 348.9811 Acquisition of lands and property.--

4032 (1) For the purposes of this part, the Osceola County  
 4033 Expressway Authority may acquire private or public property and  
 4034 property rights, including rights of access, air, view, and  
 4035 light, by gift, devise, purchase, or condemnation by eminent  
 4036 domain proceedings as the authority may deem necessary for any  
 4037 of the purposes of this part, including, but not limited to, any  
 4038 lands reasonably necessary for securing applicable permits,  
 4039 areas necessary for management of access, borrow pits, drainage  
 4040 ditches, water retention areas, rest areas, replacement access  
 4041 for landowners whose access is impaired due to the construction  
 4042 of a facility, and replacement rights-of-way for relocated rail  
 4043 and utility facilities; for existing, proposed, or anticipated  
 4044 transportation facilities on the Osceola County Expressway  
 4045 System or in a transportation corridor designated by the  
 4046 authority; or for the purposes of screening, relocation,

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4047 removal, or disposal of junkyards and scrap metal processing  
4048 facilities. The authority shall also have the power to condemn  
4049 any material and property necessary for such purposes.

4050 (2) The right of eminent domain conferred in this part  
4051 shall be exercised by the authority in the manner provided by  
4052 law.

4053 (3) When the authority acquires property for a  
4054 transportation facility or in a transportation corridor, it is  
4055 not subject to any liability imposed by chapter 376 or chapter  
4056 403 for preexisting soil or groundwater contamination due solely  
4057 to its ownership. This section does not affect the rights or  
4058 liabilities of any past or future owners of the acquired  
4059 property, nor does it affect the liability of any governmental  
4060 entity for the results of its actions which create or exacerbate  
4061 a pollution source. The authority and the Department of  
4062 Environmental Protection may enter into interagency agreements  
4063 for the performance, funding, and reimbursement of the  
4064 investigative and remedial acts necessary for property acquired  
4065 by the authority.

4066 348.9812 Cooperation with other units, boards, agencies,  
4067 and individuals.--Express authority and power is hereby given  
4068 and granted to any county, municipality, drainage district, road  
4069 and bridge district, school district, or any other political  
4070 subdivision, board, commission, or individual in or of the state  
4071 to make and enter into with the authority contracts, leases,  
4072 conveyances, partnerships, or other agreements within the  
4073 provisions and purposes of this part. The authority is hereby  
4074 expressly authorized to make and enter into contracts, leases,

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4075 conveyances, partnerships, and other agreements with any  
 4076 political subdivision, agency, or instrumentality of the state  
 4077 and any and all federal agencies, corporations, and individuals  
 4078 for the purpose of carrying out the provisions of this part.  
 4079 348.9813 Covenant of the state.--The state does hereby  
 4080 pledge to and agrees with any person, firm, or corporation or  
 4081 federal or state agency subscribing to or acquiring the bonds to  
 4082 be issued by the authority for the purposes of this part that  
 4083 the state will not limit or alter the rights hereby vested in  
 4084 the authority and the department until all bonds at any time  
 4085 issued, together with the interest thereon, are fully paid and  
 4086 discharged insofar as the same affects the rights of the holders  
 4087 of bonds issued hereunder. The state does further pledge to and  
 4088 agree with the United States that in the event any federal  
 4089 agency shall construct or contribute any funds for the  
 4090 completion, extension, or improvement of the Osceola County  
 4091 Expressway System, or any part or portion thereof, the state  
 4092 will not alter or limit the rights and powers of the authority  
 4093 and the department in any manner which would be inconsistent  
 4094 with the continued maintenance and operation of the Osceola  
 4095 County Expressway System or the completion, extension, or  
 4096 improvement thereof or which would be inconsistent with the due  
 4097 performance of any agreements between the authority and any such  
 4098 federal agency. The authority and the department shall continue  
 4099 to have and may exercise all powers herein granted so long as  
 4100 the same shall be necessary or desirable for the carrying out of  
 4101 the purposes of this part and the purposes of the United States

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4102 in the completion, extension, or improvement of the Osceola  
 4103 County Expressway System or any part or portion thereof.

4104 348.9814 Exemption from taxation.--The effectuation of the  
 4105 authorized purposes of the authority created under this part is,  
 4106 shall, and will be in all respects for the benefit of the people  
 4107 of the state, for the increase of their commerce and prosperity,  
 4108 and for the improvement of their health and living conditions  
 4109 and, since the authority will be performing essential  
 4110 governmental functions in effectuating such purposes, the  
 4111 authority shall not be required to pay any taxes or assessments  
 4112 of any kind or nature whatsoever upon any property acquired or  
 4113 used by it for such purposes or upon any rates, fees, rentals,  
 4114 receipts, income, or charges at any time received by it and the  
 4115 bonds issued by the authority, their transfer, and the income  
 4116 therefrom, including any profits made on the sale thereof, shall  
 4117 at all times be free from taxation of any kind by the state or  
 4118 by any political subdivision or taxing agency or instrumentality  
 4119 thereof. The exemption granted by this section shall not be  
 4120 applicable to any tax imposed by chapter 220 on interest,  
 4121 income, or profits on debt obligations owned by corporations.

4122 348.9815 Eligibility for investments and security.--Any  
 4123 bonds or other obligations issued pursuant to this part shall be  
 4124 and constitute legal investments for banks, savings banks,  
 4125 trustees, executors, administrators, and all other fiduciaries  
 4126 and for all state, municipal, and other public funds and shall  
 4127 also be and constitute securities eligible for deposit as  
 4128 security for all state, municipal, or other public funds,

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4129 notwithstanding the provisions of any other law or laws to the  
4130 contrary.

4131 348.9816 Pledges enforceable by bondholders.--It is the  
4132 express intention of this part that any pledge by the department  
4133 of rates, fees, revenues, Osceola County gasoline tax funds, or  
4134 other funds, as rentals, to the authority, or any covenants or  
4135 agreements relative thereto, may be enforceable in any court of  
4136 competent jurisdiction against the authority by any holder of  
4137 bonds issued by the authority.

4138 348.9817 This part complete and additional authority.--

4139 (1) The powers conferred by this part shall be in addition  
4140 and supplemental to the existing powers of the board and the  
4141 department, and this part shall not be construed as repealing  
4142 any of the provisions of any other law, general, special, or  
4143 local, but to supersede such other laws in the exercise of the  
4144 powers provided in this part and to provide a complete method  
4145 for the exercise of the powers granted in this part. The  
4146 extension and improvement of the Osceola County Expressway  
4147 System and the issuance of bonds hereunder to finance all or  
4148 part of the cost thereof may be accomplished upon compliance  
4149 with the provisions of this part without regard to or necessity  
4150 for compliance with the provisions, limitations, or restrictions  
4151 contained in any other general, special, or local law,  
4152 including, but not limited to, s. 215.821. No approval of any  
4153 bonds issued under this part by the qualified electors or  
4154 qualified electors who are freeholders in the state or in  
4155 Osceola County or in any other political subdivision of the

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4156 state shall be required for the issuance of such bonds pursuant  
4157 to this part.

4158 (2) This part shall not be deemed to repeal, rescind, or  
4159 modify the Osceola County Charter. This part shall not be deemed  
4160 to repeal, rescind, or modify any other law relating to the  
4161 State Board of Administration, the Department of Transportation,  
4162 or the Division of Bond Finance of the State Board of  
4163 Administration but shall be deemed to and shall supersede such  
4164 other laws as are inconsistent with the provisions of this part,  
4165 including, but not limited to, s. 215.821.

4166 Section 64. The Florida Transportation Commission shall  
4167 conduct a study and prepare a report of the progress made by  
4168 M.P.O.'s to establish improved coordinated transportation  
4169 planning processes. The report shall, at a minimum, address the  
4170 efforts and progress of each M.P.O. to include representatives  
4171 of the various modes of transportation into the metropolitan  
4172 planning process; the efforts and progress of M.P.O.'s located  
4173 within urbanized areas consisting of more than one M.P.O., or  
4174 M.P.O.'s located in urbanized areas that are contiguous to  
4175 M.P.O.'s serving different urbanized areas, to implement  
4176 coordinated long-range transportation plans covering the  
4177 combined metropolitan planning area; the extent to which these  
4178 long-range plans serve as the basis for the transportation  
4179 improvement program of each M.P.O.; and an assessment of the  
4180 effectiveness of processes to prioritize regionally-significant  
4181 projects and implement regional public involvement activities.  
4182 The report shall be submitted to the Governor, the President of

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4183 the Senate, and the Speaker of the House of Representatives no  
4184 later than January 15, 2007.

4185 Section 65. Subsection (5) of section 810.011, Florida  
4186 Statutes, is amended to read:

4187 810.011 Definitions.--As used in this chapter:

4188 (5) (a) "Posted land" is that land upon which signs are  
4189 placed not more than 500 feet apart along, and at each corner  
4190 of, the boundaries of the land, upon which signs there appears  
4191 prominently, in letters of not less than 2 inches in height, the  
4192 words "no trespassing" and in addition thereto the name of the  
4193 owner, lessee, or occupant of said land. Said signs shall be  
4194 placed along the boundary line of posted land in a manner and in  
4195 such position as to be clearly noticeable from outside the  
4196 boundary line.

4197 (b) It shall not be necessary to give notice by posting on  
4198 any enclosed land or place not exceeding 5 acres in area on  
4199 which there is a dwelling house in order to obtain the benefits  
4200 of ss. 810.09 and 810.12 pertaining to trespass on enclosed  
4201 lands.

4202 (c)1. In order to obtain the benefits of ss. 810.09 and  
4203 810.12 pertaining to trespass on enclosed and posted land, it  
4204 shall not be necessary to give notice by posting as required in  
4205 paragraph (a) on any stationary rails or roadbeds that are owned  
4206 or leased by a railroad or railway company and that are:

4207 1. Readily recognizable to a reasonable person as being  
4208 the property of a railroad or railway company; or



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4209           2. Identified by conspicuous fencing or signs indicating  
 4210 that the property is owned or leased by a railroad or railway  
 4211 company.

4212           Section 66. For the purpose of incorporating the amendment  
 4213 to section 810.011, Florida Statutes, in a reference thereto,  
 4214 paragraph (a) of subsection (1) of section 810.09, Florida  
 4215 Statutes, is reenacted to read:

4216           810.09 Trespass on property other than structure or  
 4217 conveyance.--

4218           (1)(a) A person who, without being authorized, licensed,  
 4219 or invited, willfully enters upon or remains in any property  
 4220 other than a structure or conveyance:

4221           1. As to which notice against entering or remaining is  
 4222 given, either by actual communication to the offender or by  
 4223 posting, fencing, or cultivation as described in s. 810.011; or

4224           2. If the property is the unenclosed curtilage of a  
 4225 dwelling and the offender enters or remains with the intent to  
 4226 commit an offense thereon, other than the offense of trespass,  
 4227  
 4228 commits the offense of trespass on property other than a  
 4229 structure or conveyance.

4230           Section 67. Section 2 of chapter 89-383, Laws of Florida,  
 4231 is amended to read:

4232           Section 2. Red Road is hereby designated as a state  
 4233 historic highway. No public funds shall be expended for:

4234           (1) The removal of any healthy tree which is not a safety  
 4235 hazard.

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4236 (2) Any alteration of the physical dimensions or location  
4237 of Red Road, the median strip thereof, the land adjacent  
4238 thereto, or any part of the original composition of the  
4239 entranceway, including the towers, the walls, and the lampposts.

4240 (3) Any construction on or along Red Road of any new  
4241 structure, or any building, clearing, filling, or excavating on  
4242 or along Red Road except for routine maintenance or alterations,  
4243 modifications, or improvements to it and the adjacent right-of-  
4244 way made for the purpose of enhancing life safety for vehicular  
4245 or pedestrian use of Red Road if the number of traffic lanes is  
4246 not altered ~~work which is essential to the health, safety, or~~  
4247 ~~welfare of the environment.~~

4248 Section 68. Brickell Avenue designated; signs, mailing  
4249 addresses, listings, and markers.--

4250 (1) Notwithstanding ss. 267.062 and 334.071, Florida  
4251 Statutes, that portion of S.E. 2nd Avenue from the Miami River  
4252 Bridge north to S.E. 2nd Street is designated as "Brickell  
4253 Avenue."

4254 (2) The City of Miami is authorized and directed to change  
4255 street signs and markers, mailing addresses, and 911 emergency  
4256 telephone number system listings to reflect the designation.

4257 (3) The City of Miami is authorized and directed to erect  
4258 the appropriate signs and markers upon Brickell Avenue as  
4259 described in subsection (1).

4260 Section 69. This act shall take effect July 1, 2006.